

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
	:	07 Civ. 10612
	:	
	:	Chapter 11
In re:	:	Case No. 01-16034 (AJG)
ENRON CORP., <i>et al.</i> ,	:	
	:	Jointly Administered
Debtors.	:	
-----X		
ENRON CORP.; ENRON NORTH	:	
AMERICA CORP.; ENRON NATURAL	:	
GAS MARKETING CORP.; ENRON	:	
BROADBAND SERVICES, INC.;	:	
ENRON ENERGY SERVICES, INC.;	:	
ENRON DEVELOPMENT FUNDING	:	
LTD.,	:	
	:	
Plaintiffs	:	Adversary Proceeding
v.	:	No.: 03-09266 (AJG)
	:	
CITIGROUP INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X		

DECLARATION OF LANCE CROFFOOT-SUEDE IN  
SUPPORT OF THE DEUTSCHE BANK ENTITIES' JOINDER IN THE  
CITIGROUP DEFENDANTS' MOTION TO WITHDRAW THE REFERENCE

Lance Croffoot-Suede declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the law firm of Linklaters LLP, counsel to Deutsche Bank AG, Deutsche Bank Trust Company Americas (“DBTCA”), Deutsche Bank Securities Inc., Deutsche Bank Luxembourg, S.A., Deutsche Bank Trust Company Delaware (“DBTCD”), Deutsche Bank Trust Corporation, Bankers Trust International plc, BT Commercial Corp., DB Green, Inc., Deutsche Leasing New York Corp., Seneca Delaware, Inc., Deutsche Bank S.A., DB Ever, Inc. (f/k/a BT Ever, Inc.), and Seneca Leasing Partners, L.P. (collectively, the “Deutsche Bank Entities”) in this action. I submit this declaration in support of the Deutsche Bank Entities’ Joinder in the Citigroup Defendants’ Motion to Withdraw the Reference and to place before the Court certain documents referred to therein.

2. Attached hereto, at the tabs indicated below, are true and correct copies of the following documents referred to in the Deutsche Bank Entities’ Joinder in the Citigroup Defendants’ Motion to Withdraw the Reference:

Exhibit A: Answer and Affirmative Defenses of the Deutsche Bank Entities to the Reorganized Debtors’ Fourth Amended Complaint, dated March 9, 2007.

Exhibit B: The Deutsche Bank Entities’ Joinder in Citigroup’s Motion for a Determination that Texas Law on Loss Allocation Governs Enron’s Common Law Claims, filed November 21, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
December 3, 2007

/s/ Lance Croffoot-Suede  
Lance Croffoot-Suede

LINKLATERS

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J. Justin Williamson (JW-6602)

Titia Holtz (TH-4379)

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re**

**ENRON CORP., *et al.*,**

**Reorganized Debtors.**

**ENRON CORP.; ENRON NORTH,  
AMERICA CORP.; ENRON NATURAL  
GAS MARKETING CORP.; ENRON  
BROADBAND SERVICES, INC.; ENRON  
ENERGY SERVICES, INC.; EES SERVICE  
HOLDINGS, INC.; ENRON  
INTERNATIONAL, INC.; ENRON  
ENERGY SERVICES OPERATIONS,  
INC.; ECT MERCHANT INVESTMENTS  
CORP.; ENRON POWER MARKETING,  
INC.; and ATLANTIC COMMERCIAL  
FINANCE, INC.,**

**Plaintiffs,**

**v.**

**CITIGROUP INC., *et al.*,**

**Defendants.**

**TRIAL BY JURY REQUESTED**

**Chapter 11**

**Case No. 01-16034(AJG)**

**Jointly Administered**

**ANSWER**

**ANSWER AND AFFIRMATIVE DEFENSES OF  
DEFENDANTS THE DEUTSCHE BANK ENTITIES TO  
REORGANIZED DEBTORS' FOURTH AMENDED COMPLAINT**

Deutsche Bank AG, Deutsche Bank Trust Company Americas, Deutsche Bank Securities Inc., Deutsche Bank Luxembourg, S.A., Deutsche Bank Trust Company Delaware, Deutsche Bank Trust Corporation, Bankers Trust International plc, BT Commercial Corp., DB Green, Inc. (f/k/a BT Green, Inc.), Deutsche Leasing New York Corp., Seneca Delaware, Inc., Deutsche Bank S.A., DB Ever, Inc. (f/k/a BT Ever, Inc.), and Seneca Leasing Partners, L.P. (collectively, the “**DB Entities**”)<sup>1</sup> by their undersigned counsel, for their answer to the Fourth Amended Complaint, dated January 10, 2005 (the “**Fourth Amended Complaint**”), hereby state as follows:

1. Deny the allegations in paragraph 1 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Fourth Amended Complaint.

2. Deny the allegations in paragraph 2 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Fourth Amended Complaint.

3. Deny the allegations in paragraph 3 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Fourth Amended Complaint.

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<sup>1</sup> Unless otherwise defined, all capitalized terms used herein shall have the meanings set forth in the Fourth Amended Complaint.

4. Deny the allegations in paragraph 4 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Fourth Amended Complaint.

5. Deny the allegations in paragraph 5 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Fourth Amended Complaint.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Fourth Amended Complaint.

7. Deny the allegations in paragraph 7 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Fourth Amended Complaint.

8. Deny the allegations in paragraph 8 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Fourth Amended Complaint, and respectfully refer to the Fourth Amended Complaint for its complete and accurate content.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Fourth Amended Complaint, except admit upon information and belief that Enron is incorporated under Oregon law with its principal place of business in Houston, Texas, that Enron is a reorganized debtor in the above-captioned chapter 11 cases, that

by order dated July 15, 2004 (the “Confirmation Order”), the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) confirmed the Supplemental Fifth Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code (the “Plan”), which became effective as of November 17, 2004, and respectfully refer to the referenced orders of the Bankruptcy Court for their complete and accurate content.

10. Deny the allegations in paragraph 10 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Fourth Amended Complaint, except admit that the U.S. Trustee appointed Neal Batson as the Enron Examiner, and respectfully refer to the referenced Bankruptcy Court Order and Enron Examiner reports for their complete and accurate content.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Fourth Amended Complaint.

12. Deny the allegations in paragraph 12 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Fourth Amended Complaint, except admit that the Bankruptcy Court appointed Harrison J. Goldin as the ENA Examiner, and respectfully refer to the referenced report for its complete and accurate content.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Fourth Amended Complaint, except admit upon information

and belief that Enron Natural Gas Marketing Corp. is a reorganized debtor in the above-captioned chapter 11 cases.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Fourth Amended Complaint, except admit upon information and belief that Enron Broadband is a reorganized debtor in the above-captioned chapter 11 cases.

15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Fourth Amended Complaint, except admit upon information and belief that Enron Energy Services is a reorganized debtor in the above-captioned chapter 11 cases.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Fourth Amended Complaint, except admit upon information and belief that EES Service Holdings is a reorganized debtor in the above-captioned chapter 11 cases.

16A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16A of the Fourth Amended Complaint, except admit upon information and belief that Enron International is a reorganized debtor in the above-captioned chapter 11 cases.

16B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16B of the Fourth Amended Complaint, except admit upon information and belief that Enron Energy Services Operations, Inc. is a reorganized debtor in the above-captioned chapter 11 cases.

16C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16C of the Fourth Amended Complaint, except admit upon information

and belief that ECT Merchant Investments Corp. is a reorganized debtor in the above-captioned chapter 11 cases.

16D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16D of the Fourth Amended Complaint, except admit upon information and belief that Enron Power Marketing, Inc. is a reorganized debtor in the above-captioned chapter 11 cases.

16E. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16E of the Fourth Amended Complaint, except admit upon information and belief that Atlantic Commercial Finance, Inc. is a reorganized debtor in the above-captioned chapter 11 cases.

17. State that no response is required to paragraph 17 of the Fourth Amended Complaint.

18. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Fourth Amended Complaint.

19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19 of the Fourth Amended Complaint.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the Fourth Amended Complaint.

21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 of the Fourth Amended Complaint.

22. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 of the Fourth Amended Complaint.



23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Fourth Amended Complaint.

24. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Fourth Amended Complaint.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Fourth Amended Complaint.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Fourth Amended Complaint.

27. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Fourth Amended Complaint.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Fourth Amended Complaint.

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Fourth Amended Complaint.

30. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Fourth Amended Complaint.

31. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 of the Fourth Amended Complaint.

32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Fourth Amended Complaint.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Fourth Amended Complaint.

34. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 of the Fourth Amended Complaint.

35. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Fourth Amended Complaint.

36. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36 of the Fourth Amended Complaint.

37. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 of the Fourth Amended Complaint.

38. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 of the Fourth Amended Complaint.

39. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 of the Fourth Amended Complaint.

40. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40 of the Fourth Amended Complaint.

41. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41 of the Fourth Amended Complaint.

42. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42 of the Fourth Amended Complaint.

43. Admit the allegations in the first and third sentences of paragraph 43 of the Fourth Amended Complaint. Deny the allegations in the second and fourth sentences of paragraph 43 of the Fourth Amended Complaint.

44. Admit the allegations in the first sentence of paragraph 44 of the Fourth Amended Complaint. Deny the allegations in the second and third sentences of paragraph 44 of the Fourth Amended Complaint.

45. Admit the allegations in the first sentence of paragraph 45 of the Fourth Amended Complaint. Deny the allegations in the second and third sentences of paragraph 45 of the Fourth Amended Complaint.

46. Admit the allegations in the first and third sentences of paragraph 46 of the Fourth Amended Complaint. Deny the allegations in the second sentence of paragraph 46 of the Fourth Amended Complaint.

47. Admit the allegations in the first sentence of paragraph 47 of the Fourth Amended Complaint. Deny the allegations in the second sentence of paragraph 47 of the Fourth Amended Complaint.

48. Admit the allegations in paragraph 48 of the Fourth Amended Complaint.

49. Not used.

50. Admit the allegations in paragraph 50 of the Fourth Amended Complaint.

51. Deny the allegations in paragraph 51 of the Fourth Amended Complaint.

52. Deny the allegations in paragraph 52 of the Fourth Amended Complaint.

53. Deny the allegations in paragraph 53 of the Fourth Amended Complaint.

54. Admit the allegations in paragraph 54 of the Fourth Amended Complaint.

55. Admit the allegations in paragraph 55 of the Fourth Amended Complaint.

56. Deny the allegations in paragraph 56 of the Fourth Amended Complaint.

57. Admit the allegations in paragraph 57 of the Fourth Amended Complaint.

58. State that the allegations in paragraph 58 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 58 of the Fourth Amended Complaint.

59. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59 of the Fourth Amended Complaint.

60. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 60 of the Fourth Amended Complaint.

61. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 of the Fourth Amended Complaint.

62. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 62 of the Fourth Amended Complaint.

63. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63 of the Fourth Amended Complaint.

64. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 64 of the Fourth Amended Complaint.

65. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 65 of the Fourth Amended Complaint.

66. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 66 of the Fourth Amended Complaint.

67. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67 of the Fourth Amended Complaint.

68. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 68 of the Fourth Amended Complaint.

69. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 69 of the Fourth Amended Complaint.

70. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 70 of the Fourth Amended Complaint.

71. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 of the Fourth Amended Complaint.

72. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 72 of the Fourth Amended Complaint.

73. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73 of the Fourth Amended Complaint.

74. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 74 of the Fourth Amended Complaint.

75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 75 of the Fourth Amended Complaint.

76. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76 of the Fourth Amended Complaint.

77. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 77 of the Fourth Amended Complaint.

78. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 78 of the Fourth Amended Complaint.

79. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 79 of the Fourth Amended Complaint.

80. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 80 of the Fourth Amended Complaint.

81. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81 of the Fourth Amended Complaint.

82. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82 of the Fourth Amended Complaint.

83. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 of the Fourth Amended Complaint.

84. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 84 of the Fourth Amended Complaint.

85. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85 of the Fourth Amended Complaint.

85A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85A of the Fourth Amended Complaint.

86. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 86 of the Fourth Amended Complaint.

87. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 87 of the Fourth Amended Complaint.

88. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 88 of the Fourth Amended Complaint.

89. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89 of the Fourth Amended Complaint.

90. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90 of the Fourth Amended Complaint.

91. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91 of the Fourth Amended Complaint.

92. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 92 of the Fourth Amended Complaint.

93. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 93 of the Fourth Amended Complaint.

94. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 94 of the Fourth Amended Complaint.

95. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95 of the Fourth Amended Complaint.

96. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96 of the Fourth Amended Complaint.

97. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97 of the Fourth Amended Complaint.

98. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98 of the Fourth Amended Complaint.

99. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 99 of the Fourth Amended Complaint, except admit that the DB Entities have filed one or more proofs of claim against the Subordination Plaintiff.

100. State that the allegations in paragraph 100 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient

to form a belief as to the truth of the allegations in paragraph 100 of the Fourth Amended Complaint.

101. Not used.

102. Not used.

103. Not used.

104. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 104 of the Fourth Amended Complaint.

105. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 105 of the Fourth Amended Complaint.

106. Not used.

107. Not used.

108. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 108 of the Fourth Amended Complaint.

108A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 108A of the Fourth Amended Complaint.

109. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 109 of the Fourth Amended Complaint.

110. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 110 of the Fourth Amended Complaint.

111. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 111 of the Fourth Amended Complaint.

112. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 112 of the Fourth Amended Complaint.



113. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 113 of the Fourth Amended Complaint.

114. State that the allegations in paragraph 114 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 114 of the Fourth Amended Complaint.

115. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 115 of the Fourth Amended Complaint.

115A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 115A of the Fourth Amended Complaint.

116. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 116 of the Fourth Amended Complaint.

117. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 117 of the Fourth Amended Complaint.

118. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 118 of the Fourth Amended Complaint.

119. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 119 of the Fourth Amended Complaint.

120.(i)-(vi). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 120(i)-(vi) of the Fourth Amended Complaint.

121. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 121 of the Fourth Amended Complaint.

122. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 122 of the Fourth Amended Complaint.

123. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 123 of the Fourth Amended Complaint.

123A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 123A of the Fourth Amended Complaint.

124. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 124 of the Fourth Amended Complaint.

125. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 125 of the Fourth Amended Complaint.

126. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 126 of the Fourth Amended Complaint.

126A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 126A of the Fourth Amended Complaint.

127. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 127 of the Fourth Amended Complaint.

127A. State that no response is required to the first sentence of paragraph 127A. Deny the allegations in the second sentence of paragraph 127A of the Fourth Amended Complaint.

127B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 127B of the Fourth Amended Complaint.

128. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 128 of the Fourth Amended Complaint, except admit upon information

and belief that Enron, and certain related entities, filed for protection under Chapter 11 of the United States Bankruptcy Code.

129. State that the allegations in paragraph 129 of the Fourth Amended Complaint contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 129 of the Fourth Amended Complaint.

130. State that the allegations in paragraph 130 of the Fourth Amended Complaint contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 130 of the Fourth Amended Complaint.

131. State that the allegations in paragraph 131 of the Fourth Amended Complaint contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 131 of the Fourth Amended Complaint.

132. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 132 of the Fourth Amended Complaint.

133. Deny the allegations in paragraph 133 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 133 of the Fourth Amended Complaint and respectfully refer to the referenced reports for their complete and accurate content.

134. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 134 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

135. Deny the allegations in paragraph 135 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 135 of the Fourth Amended Complaint.

136. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 136 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate contents.

137. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 137 of the Fourth Amended Complaint.

138. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 138 of the Fourth Amended Complaint.

139. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 139 of the Fourth Amended Complaint.

140. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 140 of the Fourth Amended Complaint.

141. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 141 of the Fourth Amended Complaint.

142. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 142 of the Fourth Amended Complaint.

143. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 143 of the Fourth Amended Complaint.

144. Deny the allegations in paragraph 144 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 144 of the Fourth Amended Complaint.

145. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 145 of the Fourth Amended Complaint.

146. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 146 of the Fourth Amended Complaint.

147. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 147 of the Fourth Amended Complaint.

148. Deny the allegations in paragraph 148 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 148 of the Fourth Amended Complaint.

149. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 149 of the Fourth Amended Complaint.

150. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 150 of the Fourth Amended Complaint.

151. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 151 of the Fourth Amended Complaint, and respectfully refer to the referenced plea agreement and public records for their complete and accurate content.

152. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 152 of the Fourth Amended Complaint, and respectfully refer to the referenced plea agreement and public records for their complete and accurate content.

152A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 152A of the Fourth Amended Complaint, and respectfully refer to the referenced indictment and public records for their complete and accurate content.

153. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 153 of the Fourth Amended Complaint.

154. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 154 of the Fourth Amended Complaint, and respectfully refer to the referenced public records for their complete and accurate content.

155. Deny the allegations in paragraph 155 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 155 of the Fourth Amended Complaint, and respectfully refer to the referenced hearings and testimony for their complete and accurate content.

156. Deny the allegations in paragraph 156 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 156 of the Fourth Amended Complaint.

157. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 157 of the Fourth Amended Complaint.

158. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 158 of the Fourth Amended Complaint.

159. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 159 of the Fourth Amended Complaint.

160. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 160 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

161. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 161 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

162. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 162 of the Fourth Amended Complaint, and respectfully refer to the referenced reports for their complete and accurate content.

163. Deny the allegations in paragraph 163 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 163 of the Fourth Amended Complaint.

164. Deny the allegations in paragraph 164 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 164 of the Fourth Amended Complaint.

165. Deny the allegations in paragraph 165 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 165 of the Fourth Amended Complaint.

166. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 166 of the Fourth Amended Complaint, and respectfully refer to the referenced reports for their complete and accurate content.

167. Deny the allegations in paragraph 167 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 167 of the Fourth Amended Complaint.

168. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 168 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

169. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 169 of the Fourth Amended Complaint.

170. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 170 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

171. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 171 of the Fourth Amended Complaint.

172. Deny the allegations in paragraph 172 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 172 of the Fourth Amended Complaint.

173. Deny the allegations in paragraph 173 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 173 of the Fourth Amended Complaint, and respectfully refer to the referenced testimony for its complete and accurate content.

174. Deny the allegations in paragraph 174 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information



sufficient to form a belief as to the truth of the allegations in paragraph 174 of the Fourth Amended Complaint.

175. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 175 of the Fourth Amended Complaint, and respectfully refer to the referenced GAAP for its complete and accurate content.

176. Deny the allegations in paragraph 176 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 176 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

177. Deny the allegations in paragraph 177 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 177 of the Fourth Amended Complaint.

178. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 178 of the Fourth Amended Complaint.

179. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 179 of the Fourth Amended Complaint, and respectfully refer to the referenced e-mail for its complete and accurate content.

180. Deny the allegations in paragraph 180 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 180 of the Fourth Amended Complaint.

181. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 181 of the Fourth Amended Complaint

182. Deny the allegations in paragraph 182 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 182 of the Fourth Amended Complaint, and respectfully refer to the referenced SEC Chase Complaint for its complete and accurate content.

183. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 183 of the Fourth Amended Complaint, and respectfully refer to the referenced SEC Chase Complaint for its complete and accurate content.

184. Deny the allegations in paragraph 184 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 184 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

185. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 185 of the Fourth Amended Complaint.

186. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 186 of the Fourth Amended Complaint, and respectfully refer to the referenced Morgenthau letter for its complete and accurate content.

187. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 187 of the Fourth Amended Complaint, and respectfully refer to the referenced Morgenthau letter for its complete and accurate content.

188. Deny the allegations in paragraph 188 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 188 of the Fourth Amended Complaint.

189. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 189 of the Fourth Amended Complaint.

190. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 190 of the Fourth Amended Complaint.

191. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 191 of the Fourth Amended Complaint, and respectfully refer to the referenced testimony for its complete and accurate content.

192. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 192 of the Fourth Amended Complaint, and respectfully refer to the referenced report and letter for their complete and accurate content.

193. Deny the allegations in paragraph 193 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 193 of the Fourth Amended Complaint, and respectfully refer to the referenced testimonies for their complete and accurate content.

194. Deny the allegations in paragraph 194 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 194 of the Fourth Amended Complaint.

195. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 195 of the Fourth Amended Complaint.

196. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 196 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

197. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 197 of the Fourth Amended Complaint, and respectfully refer to the referenced testimonies for their complete and accurate content.

198. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 198 of the Fourth Amended Complaint and respectfully refer to the referenced FAS rule for its complete and accurate content.

199. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 199 of the Fourth Amended Complaint.

200. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 200 of the Fourth Amended Complaint.

201. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 201 of the Fourth Amended Complaint.

202. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 202 of the Fourth Amended Complaint.

203. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 203 of the Fourth Amended Complaint, and respectfully refer to the referenced FAS rule for its complete and accurate content.

204. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 204 of the Fourth Amended Complaint, and respectfully refer to the referenced FAS rule and report for their complete and accurate content.

205. Deny the allegations in paragraph 205 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 205 of the Fourth Amended Complaint.

206. Deny the allegations in paragraph 206 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 206 of the Fourth Amended Complaint.

207. Deny the allegations in paragraph 207 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 207 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

208. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 208 of the Fourth Amended Complaint.

209. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 209 of the Fourth Amended Complaint.

210. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 210 of the Fourth Amended Complaint.

211. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 211 of the Fourth Amended Complaint.

212. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 212 of the Fourth Amended Complaint.

213. State that the allegations in paragraph 213 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 213 of the Fourth Amended Complaint.

214. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 214 of the Fourth Amended Complaint.

215. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 215 of the Fourth Amended Complaint.

216. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 216 of the Fourth Amended Complaint.

217. Deny the allegations in paragraph 217 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 217 of the Fourth Amended Complaint.

218. Deny the allegations in paragraph 218 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 218 except admit that Teresa, Steele, and Cochise were names given to certain structured tax transactions, and respectfully refer to the referenced sworn statement for its complete and accurate content.

219. Deny the allegations in paragraph 219 of the Fourth Amended Complaint, except admit that the DB Entities entered into certain transactions with Enron known as Valhalla and Renegade.

220. State that the allegations in paragraph 220 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 220 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities and otherwise deny knowledge or information sufficient to form a belief as to their truth.

221. Deny the allegations in paragraph 221 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 221 of the Fourth Amended Complaint.

222. Deny the allegations in paragraph 222 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 222 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

223. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 223 of the Fourth Amended Complaint.

224. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 224 of the Fourth Amended Complaint, and respectfully refer to the referenced statement and plea for their complete and accurate content.

225. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 225 of the Fourth Amended Complaint.

226. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 226 of the Fourth Amended Complaint.

227. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 227 of the Fourth Amended Complaint.

228. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 228 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

229. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 229 of the Fourth Amended Complaint.

230. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 230 of the Fourth Amended Complaint.

231. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 231 of the Fourth Amended Complaint.

232. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 232 of the Fourth Amended Complaint.

233. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 233 of the Fourth Amended Complaint.

234. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 234 of the Fourth Amended Complaint.

235. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 235 of the Fourth Amended Complaint.

236. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 236 of the Fourth Amended Complaint.



237. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 237 of the Fourth Amended Complaint.

238. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 238 of the Fourth Amended Complaint.

239. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 239 of the Fourth Amended Complaint.

240. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 240 of the Fourth Amended Complaint.

241. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 241 of the Fourth Amended Complaint.

242. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 242 of the Fourth Amended Complaint.

243. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 243 of the Fourth Amended Complaint.

244. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 244 of the Fourth Amended Complaint, and respectfully refer to the referenced plea allocution and indictment for their complete and accurate content.

245. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 245 of the Fourth Amended Complaint.

246. Deny the allegations in paragraph 246 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 246 of the Fourth

Amended Complaint, and respectfully refer to the referenced Executive Summary for its complete and accurate content.

247. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 247 of the Fourth Amended Complaint, and respectfully refer to the referenced Executive Summary for its complete and accurate content.

248. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 248 of the Fourth Amended Complaint.

249. Deny the allegations in paragraph 249 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 249 of the Fourth Amended Complaint, except admit that Bankers Trust Investment Partners, Inc., made a passive investment in LJM2 in December 1999.

250. Deny the allegations in paragraph 250 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 250 of the Fourth Amended Complaint.

251. Deny the allegations in paragraph 251 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 251 of the Fourth Amended Complaint.

252. Deny the allegations in paragraph 252 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 252 of the Fourth Amended Complaint.

253. Deny the allegations in paragraph 253 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 253 of the Fourth Amended Complaint, and respectfully refer to the referenced Citigroup document for its complete and accurate content.

254. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 254 of the Fourth Amended Complaint, except admit upon information and belief that Enron restated its financial statements in or about November 2001 for years 1997 through second quarter 2001.

255. Deny the allegations in paragraph 255 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 255 of the Fourth Amended Complaint.

256. Deny the allegations in paragraph 256 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 256 of the Fourth Amended Complaint.

257. Deny the allegations in paragraph 257 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 257 of the Fourth Amended Complaint.

258. Deny the allegations in paragraph 258 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 258 of the Fourth Amended Complaint.

259. Deny the allegations in paragraph 259 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 259 of the Fourth Amended Complaint.

260. Deny the allegations in paragraph 260 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 260 of the Fourth Amended Complaint.

261. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 261 of the Fourth Amended Complaint.

262. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 262 of the Fourth Amended Complaint.

263. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 263 of the Fourth Amended Complaint, and respectfully refer to the referenced order for its complete and accurate content.

264. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 264 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

265. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 265 of the Fourth Amended Complaint, and respectfully refer to the referenced testimony for its complete and accurate content.

266. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 266 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

267. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 267 of the Fourth Amended Complaint, and respectfully refer to the referenced reports for their complete and accurate content.

268. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 268 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

269. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 269 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

270. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 270 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

271. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 271 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

272. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 272 of the Fourth Amended Complaint.

273. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 273 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

274. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 274 of the Fourth Amended Complaint.

275. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 275 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

276. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 276 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

277. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 277 of the Fourth Amended Complaint.

278. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 278 of the Fourth Amended Complaint.

279. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 279 of the Fourth Amended Complaint.

280. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 280 of the Fourth Amended Complaint, and respectfully refer to the referenced Order for its complete and accurate content.

281. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 281 of the Fourth Amended Complaint, and respectfully refer to the referenced testimony for its complete and accurate content.

282. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 282 of the Fourth Amended Complaint.

283. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 283 of the Fourth Amended Complaint, and respectfully refer to the referenced letter for its complete and accurate content.

284. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 284 of the Fourth Amended Complaint, and respectfully refer to the referenced report and exhibits for their complete and accurate content.

285. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 285 of the Fourth Amended Complaint.

286. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 286 of the Fourth Amended Complaint.

286A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 286A of the Fourth Amended Complaint.

287. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 287 of the Fourth Amended Complaint.

288. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 288 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

289. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 289 of the Fourth Amended Complaint.

290. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 290 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

291. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 291 of the Fourth Amended Complaint, and respectfully refer to the referenced order and testimony for their complete and accurate content.

292. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 292 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

293. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 293 of the Fourth Amended Complaint.

294. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 294 of the Fourth Amended Complaint.

295. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 295 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

296. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 296 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

297. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 297 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.



298. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 298 of the Fourth Amended Complaint.

299. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 299 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

300. State that the allegations in paragraph 300 contain legal or other conclusions not requiring a response. To the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 300 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

301. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 301 of the Fourth Amended Complaint.

302. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 302 of the Fourth Amended Complaint.

303. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 303 of the Fourth Amended Complaint.

304. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 304 of the Fourth Amended Complaint.

305. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 305 of the Fourth Amended Complaint.

306. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 306 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

307. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 307 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

308. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 308 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

309. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 309 of the Fourth Amended Complaint.

310. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 310 of the Fourth Amended Complaint.

311. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 311 of the Fourth Amended Complaint.

311A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 311A of the Fourth Amended Complaint.

311B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 311B of the Fourth Amended Complaint, and respectfully refer to the referenced agreements for their complete and accurate content.

311C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 311C of the Fourth Amended Complaint.

311D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 311D of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

312. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 312 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

313. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 313 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for a complete and accurate statement of their contents.

314. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 314 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

315. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 315 of the Fourth Amended Complaint.

316. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 316 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

316A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 316A of the Fourth Amended Complaint.

317. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 317 of the Fourth Amended Complaint.

318. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 318 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

319. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 319 of the Fourth Amended Complaint.

320. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 320 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

321. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 321 of the Fourth Amended Complaint, and respectfully refer to the referenced order for its complete and accurate content.

322. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 322 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

323. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 323 of the Fourth Amended Complaint.

324. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 324 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

325. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 325 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

326. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 326 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

327. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 327 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

328. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 328 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

329. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 329 of the Fourth Amended Complaint.

330. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 330 of the Fourth Amended Complaint.

331. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 331 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

332. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 332 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

333. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 333 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

334. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 334 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

335. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 335 of the Fourth Amended Complaint.

336. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 336 of the Fourth Amended Complaint.

337. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 337 of the Fourth Amended Complaint, and respectfully refer to the referenced letter for its complete and accurate content.

338. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 338 of the Fourth Amended Complaint, and respectfully refer to the referenced letters for their complete and accurate content.

339. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 339 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

340. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 340 of the Fourth Amended Complaint, and respectfully refer to the referenced complaint for its complete and accurate content.

341. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 341 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

342. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 342 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

343. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 343 of the Fourth Amended Complaint.

344. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 344 of the Fourth Amended Complaint, and respectfully refer to the referenced report and documents for their complete and accurate content.

345. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 345 of the Fourth Amended Complaint.

346. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 346 of the Fourth Amended Complaint.

347. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 347 of the Fourth Amended Complaint.

348. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 348 of the Fourth Amended Complaint.

349. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 349 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

350. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 350 of the Fourth Amended Complaint, and respectfully refer to the referenced exhibit for its complete and accurate content.

351. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 351 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

352. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 352 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

353. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 353 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

354. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 354 of the Fourth Amended Complaint, and respectfully refer to the referenced reports and documents for their complete and accurate content.

355. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 355 of the Fourth Amended Complaint.

356. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 356 of the Fourth Amended Complaint, and respectfully refer to the referenced letter for its complete and accurate content.

357. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 357 of the Fourth Amended Complaint, and respectfully refer to the referenced complaint for its complete and accurate content.

358. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 358 of the Fourth Amended Complaint, and respectfully refer to the referenced letter for its complete and accurate content.

359. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 359 of the Fourth Amended Complaint.

360. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 360 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

361. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 361 of the Fourth Amended Complaint, and respectfully refer to the referenced reports for their complete and accurate content.



362. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 362 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

363. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 363 of the Fourth Amended Complaint, and respectfully refer to the referenced testimony for its complete and accurate content.

364. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 364 of the Fourth Amended Complaint.

365. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 365 of the Fourth Amended Complaint., and respectfully refer to the referenced report for its complete and accurate content.

366. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 366 of the Fourth Amended Complaint, and respectfully refer to the referenced deposition transcript for its complete and accurate content.

367. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 367 of the Fourth Amended Complaint, and respectfully refer to the referenced letter for its complete and accurate content.

368. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 368 of the Fourth Amended Complaint.

369. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 369 of the Fourth Amended Complaint.

370. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 370 of the Fourth Amended Complaint.

371. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 371 of the Fourth Amended Complaint.

372. Not used.

373. Not used.

374.(a)-(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 374(a)-(c) of the Fourth Amended Complaint.

375. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 375 of the Fourth Amended Complaint.

375A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 375A of the Fourth Amended Complaint.

376. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 376 of the Fourth Amended Complaint.

377. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 377 of the Fourth Amended Complaint.

378. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 378 of the Fourth Amended Complaint.

378A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 378A of the Fourth Amended Complaint.

378B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 378B of the Fourth Amended Complaint.

378C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 378C of the Fourth Amended Complaint.

378D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 378D of the Fourth Amended Complaint.

378E. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 378E of the Fourth Amended Complaint.

379. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 379 of the Fourth Amended Complaint.

380. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 380 of the Fourth Amended Complaint.

381. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 381 of the Fourth Amended Complaint.

382. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 382 of the Fourth Amended Complaint.

383. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 383 of the Fourth Amended Complaint.

384. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 384 of the Fourth Amended Complaint.

385. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 385 of the Fourth Amended Complaint.

386. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 386 of the Fourth Amended Complaint.

387. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 387 of the Fourth Amended Complaint.

388. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 388 of the Fourth Amended Complaint.

389. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 389 of the Fourth Amended Complaint.

390. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 390 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

391. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 391 of the Fourth Amended Complaint.

392. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 392 of the Fourth Amended Complaint.

393. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 393 of the Fourth Amended Complaint, and respectfully refer to the referenced statement for its complete and accurate content.

394. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 394 of the Fourth Amended Complaint.

395. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 395 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

396. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 396 of the Fourth Amended Complaint.

397. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 397 of the Fourth Amended Complaint.

398. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 398 of the Fourth Amended Complaint.

399. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 399 of the Fourth Amended Complaint.

400. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 400 of the Fourth Amended Complaint.

401. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 401 of the Fourth Amended Complaint.

402. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 402 of the Fourth Amended Complaint.

403. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 403 of the Fourth Amended Complaint.

404. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 404 of the Fourth Amended Complaint.

405. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 405 of the Fourth Amended Complaint.

406. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 406 of the Fourth Amended Complaint.

407. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 407 of the Fourth Amended Complaint.

408. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408 of the Fourth Amended Complaint.

408A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408A of the Fourth Amended Complaint.

408B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408B of the Fourth Amended Complaint.

408C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408C of the Fourth Amended Complaint.

408D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408D of the Fourth Amended Complaint.

408E. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408E of the Fourth Amended Complaint.

408F. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408F of the Fourth Amended Complaint.

408G. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408G of the Fourth Amended Complaint.

408H. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408H of the Fourth Amended Complaint.

408I. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408I of the Fourth Amended Complaint.

408J. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408J of the Fourth Amended Complaint.

408K. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408K of the Fourth Amended Complaint.

408L. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408L of the Fourth Amended Complaint.

408M. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408M of the Fourth Amended Complaint.

408N. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408N of the Fourth Amended Complaint.

408O. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 408O of the Fourth Amended Complaint.

409. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 409 of the Fourth Amended Complaint.

409A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 409A of the Fourth Amended Complaint.

410. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 410 of the Fourth Amended Complaint.

411. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 411 of the Fourth Amended Complaint.

412. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 412 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

413. State that no response is required to paragraph 413 of the Fourth Amended Complaint.

414. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 414 of the Fourth Amended Complaint.

415. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 415 of the Fourth Amended Complaint.

416. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 416 of the Fourth Amended Complaint.

417. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 417 of the Fourth Amended Complaint.

417A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 417A of the Fourth Amended Complaint.

418. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 418 of the Fourth Amended Complaint.

419. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 419 of the Fourth Amended Complaint.

420. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 420 of the Fourth Amended Complaint.

421. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 421 of the Fourth Amended Complaint.

422. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 422 of the Fourth Amended Complaint.

423. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 423 of the Fourth Amended Complaint.

424. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 424 of the Fourth Amended Complaint.



424A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 424A of the Fourth Amended Complaint.

425. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 425 of the Fourth Amended Complaint.

426. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 426 of the Fourth Amended Complaint.

427. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 427 of the Fourth Amended Complaint.

428. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 428 of the Fourth Amended Complaint.

429. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 429 of the Fourth Amended Complaint.

430. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 430 of the Fourth Amended Complaint.

431. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 431 of the Fourth Amended Complaint.

432. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 432 of the Fourth Amended Complaint.

432A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 432A of the Fourth Amended Complaint.

433. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 433 of the Fourth Amended Complaint.

434. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 434 of the Fourth Amended Complaint.

435. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 435 of the Fourth Amended Complaint.

436. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 436 of the Fourth Amended Complaint.

437. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 437 of the Fourth Amended Complaint.

438. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 438 of the Fourth Amended Complaint.

439. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 439 of the Fourth Amended Complaint.

439A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 439A of the Fourth Amended Complaint.

440. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 440 of the Fourth Amended Complaint.

440(a)-(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 440(a)-(e) of the Fourth Amended Complaint.

441. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 441 of the Fourth Amended Complaint.

442. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 442 of the Fourth Amended Complaint.

442A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 442A of the Fourth Amended Complaint.

443. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 443 of the Fourth Amended Complaint.

443A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 443A of the Fourth Amended Complaint.

443B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 443B of the Fourth Amended Complaint.

443C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 443C of the Fourth Amended Complaint.

443D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 443D of the Fourth Amended Complaint.

444. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 444 of the Fourth Amended Complaint.

445. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 445 of the Fourth Amended Complaint.

446. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 446 of the Fourth Amended Complaint.

447. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 447 of the Fourth Amended Complaint.

448. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 448 of the Fourth Amended Complaint.

449. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 449 of the Fourth Amended Complaint.

450. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 450 of the Fourth Amended Complaint.

451. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 451 of the Fourth Amended Complaint.

451A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 451A of the Fourth Amended Complaint.

451B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 451B of the Fourth Amended Complaint.

451C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 451C of the Fourth Amended Complaint.

451D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 451D of the Fourth Amended Complaint.

451E. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 451E of the Fourth Amended Complaint.

452. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 452 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

453. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 453 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

454. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 454 of the Fourth Amended Complaint.

455. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 455 of the Fourth Amended Complaint.

456. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 456 of the Fourth Amended Complaint.

457. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 457 of the Fourth Amended Complaint.

458. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 458 of the Fourth Amended Complaint.

459. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 459 of the Fourth Amended Complaint.

460. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 460 of the Fourth Amended Complaint.

461. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 461 of the Fourth Amended Complaint.

462. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 462 of the Fourth Amended Complaint.

463. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 463 of the Fourth Amended Complaint.

464. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 464 of the Fourth Amended Complaint.

465. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 465 of the Fourth Amended Complaint.

466. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 466 of the Fourth Amended Complaint.

467. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 467 of the Fourth Amended Complaint.

468. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 468 of the Fourth Amended Complaint.

469. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 469 of the Fourth Amended Complaint.

470. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 470 of the Fourth Amended Complaint.

471. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 471 of the Fourth Amended Complaint.

472. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 472 of the Fourth Amended Complaint.

473. Deny the allegations in paragraph 473 of the Fourth Amended Complaint.

474. Admit the allegations in the first sentence of paragraph 474 of the Fourth Amended Complaint. Deny the allegations in the second sentence of paragraph 474 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

475. Deny the allegations in paragraph 475 of the Fourth Amended Complaint, and respectfully refer to the referenced email for a complete and accurate statement of its contents.

476. Deny the allegations in paragraph 476 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 476 of the Fourth Amended Complaint.

477. Deny the allegations in paragraph 477 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 477 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

478. Deny the allegations in paragraph 478 of the Fourth Amended Complaint, except admit that the DB Entities invested in certain transactions referred to as Teresa, Steele and Cochise, and respectfully refer to the referenced document and report for their complete and accurate content.

479. Deny the allegations in paragraph 479 of the Fourth Amended Complaint.

480. Deny the allegations in paragraph 480 of the Fourth Amended Complaint.

481. Deny the allegations in paragraph 481 of the Fourth Amended Complaint.

482. Deny the allegations in paragraph 482 of the Fourth Amended Complaint, and respectfully refer to the referenced report for a complete and accurate statement of its contents.

483. Deny the allegations in paragraph 483 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 483 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

484. Deny the allegations in paragraph 484 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 484 of the Fourth Amended Complaint.

485. Deny the allegations in paragraph 485 of the Fourth Amended Complaint.

486. Deny the allegations in paragraph 486 of the Fourth Amended Complaint.

487. Deny the allegations in paragraph 487 of the Fourth Amended Complaint, and respectfully refer to the referenced testimony for its complete and accurate content.

488. Deny the allegations in paragraph 488 of the Fourth Amended Complaint.

489. Deny the allegations in paragraph 489 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 489 of the Fourth Amended Complaint.

490. Deny the allegations in paragraph 490 of the Fourth Amended Complaint, except admit that Teresa was the name given to the first structured tax transaction in which the DB Entities engaged with Enron.

491. Deny the allegations in paragraph 491 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 491 of the Fourth Amended Complaint.

492. Deny the allegations in paragraph 492 of the Fourth Amended Complaint.

493. State that the allegations in paragraph 493 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph



493 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 493 of the Fourth Amended Complaint.

494. Deny the allegations in paragraph 494 of the Fourth Amended Complaint.

495. Deny the allegations in paragraph 495 of the Fourth Amended Complaint.

496. Deny the allegations in paragraph 496 of the Fourth Amended Complaint.

497. Deny the allegations in paragraph 497 of the Fourth Amended Complaint.

498. Deny the allegations in paragraph 498 of the Fourth Amended Complaint.

499. Deny the allegations in paragraph 499 of the Fourth Amended Complaint.

500. Deny the allegations in paragraph 500 of the Fourth Amended Complaint.

500(a). Deny the allegations in paragraph 500(a) of the Fourth Amended Complaint.

500(b). Deny the allegations in paragraph 500(b) of the Fourth Amended Complaint.

501. Deny the allegations in paragraph 501 of the Fourth Amended Complaint.

502. Deny the allegations in paragraph 502 of the Fourth Amended Complaint.

503. Deny the allegations in paragraph 503 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

504. Deny the allegations in paragraph 504 of the Fourth Amended Complaint.

505. Deny the allegations in paragraph 505 of the Fourth Amended Complaint, and respectfully refer to the referenced analyst reports for their complete and accurate content.

506. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 506 of the Fourth Amended Complaint, and respectfully refer to the referenced document for their complete and accurate content.

507. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 507 of the Fourth Amended Complaint.

508. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 508 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

509. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 509 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

509A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 509A of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

509B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 509B of the Fourth Amended Complaint, and respectfully refer to the referenced agreement for its complete and accurate content.

510. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 510 of the Fourth Amended Complaint.

511. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 511 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

512. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 512 of the Fourth Amended Complaint.

512A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 512A of the Fourth Amended Complaint, and respectfully refer to the referenced agreement for its complete and accurate content.

513. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 513 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

514. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 514 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

515. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 515 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

516. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 516 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

517. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 517 of the Fourth Amended Complaint.

518. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 518 of the Fourth Amended Complaint.

519. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 519 of the Fourth Amended Complaint.

520. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 520 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

521. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 521 of the Fourth Amended Complaint.

522. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 522 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

523. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 523 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

524. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 524 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

525. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 525 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

526. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 526 of the Fourth Amended Complaint, and respectfully refer to the referenced reports and documents for their complete and accurate content.

527. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 527 of the Fourth Amended Complaint.

528. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 528 of the Fourth Amended Complaint, and respectfully refer to the referenced agreement for its complete and accurate content.

529. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 529 of the Fourth Amended Complaint, and respectfully refer to the referenced agreement for its complete and accurate content.

530. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 530 of the Fourth Amended Complaint, and respectfully refer to the referenced agreement for its complete and accurate content.

531. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 531 of the Fourth Amended Complaint, and respectfully refer to the referenced indictment for its complete and accurate content.

532. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 532 of the Fourth Amended Complaint, and respectfully refer to the referenced indictment for its complete and accurate content.

532A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 532A of the Fourth Amended Complaint, and respectfully refer to the referenced public records for their complete and accurate content.

533. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 533 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

534. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 534 of the Fourth Amended Complaint, and respectfully refer to the referenced complaint for its complete and accurate content.

535. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 535 of the Fourth Amended Complaint, and respectfully refer to the referenced statement for its complete and accurate content.

536. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 536 of the Fourth Amended Complaint.

537. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 537 of the Fourth Amended Complaint, and respectfully refer to the referenced report and complaint for their complete and accurate content.

538. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 538 of the Fourth Amended Complaint.

539. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 539 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

540. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 540 of the Fourth Amended Complaint.

541. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 541 of the Fourth Amended Complaint.

542. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 542 of the Fourth Amended Complaint.

543. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 543 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

544. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 544 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

545. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 545 of the Fourth Amended Complaint.

546. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 546 of the Fourth Amended Complaint.

547. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 547 of the Fourth Amended Complaint.

548. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 548 of the Fourth Amended Complaint.

549. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 549 of the Fourth Amended Complaint.

550. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 550 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

551. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 551 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

552. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 552 of the Fourth Amended Complaint.

553. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 553 of the Fourth Amended Complaint.

554. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 554 of the Fourth Amended Complaint.

555. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 555 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

556. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 556 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

557. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 557 of the Fourth Amended Complaint, and respectfully refer to the referenced document and report for their complete and accurate content.

558. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 558 of the Fourth Amended Complaint.

559. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 559 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

560. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 560 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.



561. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 561 of the Fourth Amended Complaint.

562. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 562 of the Fourth Amended Complaint.

563. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 563 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

564. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 564 of the Fourth Amended Complaint.

565. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 565 of the Fourth Amended Complaint.

566. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 566 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

567. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 567 of the Fourth Amended Complaint.

568. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 568 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

568A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 568A of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

569. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 569 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

570. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 570 of the Fourth Amended Complaint.

571. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 571 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

572. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 572 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

573. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 573 of the Fourth Amended Complaint.

574. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 574 of the Fourth Amended Complaint.

575. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 575 of the Fourth Amended Complaint.

576. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 576 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

577. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 577 of the Fourth Amended Complaint.

578. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 578 of the Fourth Amended Complaint.

579. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 579 of the Fourth Amended Complaint.

580. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 580 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

581. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 581 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

582. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 582 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

583. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 583 of the Fourth Amended Complaint.

583A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 583A of the Fourth Amended Complaint.

583B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 583B of the Fourth Amended Complaint.

583C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 583C of the Fourth Amended Complaint.

583D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 583D of the Fourth Amended Complaint.

583E. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 583E of the Fourth Amended Complaint.

584. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 584 of the Fourth Amended Complaint.

585. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 585 of the Fourth Amended Complaint.

585A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 585A of the Fourth Amended Complaint.

585B. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 585B of the Fourth Amended Complaint.

585C. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 585C of the Fourth Amended Complaint.

585D. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 585D of the Fourth Amended Complaint.

585E. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 585E of the Fourth Amended Complaint.

585F. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 585F of the Fourth Amended Complaint.

586. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 586 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

587. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 587 of the Fourth Amended Complaint.

588. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 588 of the Fourth Amended Complaint.

589. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 589 of the Fourth Amended Complaint.

590. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 590 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

591. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 591 of the Fourth Amended Complaint.

592. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 592 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

593. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 593 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

594. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 594 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

595. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 595 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

596. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 596 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

597. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 597 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

598. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 598 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

599. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 599 of the Fourth Amended Complaint, and respectfully refer to the referenced document and report for their complete and accurate content.

600. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 600 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content

601. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 601 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

602. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 602 of the Fourth Amended Complaint, and respectfully refer to the referenced document and report for their complete and accurate content.

603. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 603 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

604. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 604 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

605. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 605 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for its complete and accurate content.

606. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 606 of the Fourth Amended Complaint, and respectfully refer to the referenced report and document for its complete and accurate content.

607. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 607 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

608. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 608 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

609.(a)-(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 609(a)-(c) of the Fourth Amended Complaint.

610. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 610 of the Fourth Amended Complaint.

611. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 611 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

612. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 612 of the Fourth Amended Complaint, and respectfully refer to the referenced documents and report for their complete and accurate content.

613. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 613 of the Fourth Amended Complaint, and respectfully refer to the referenced documents and report for their complete and accurate content.

614. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 614 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

615. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 615 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

616. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 616 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

617. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 617 of the Fourth Amended Complaint.

618. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 618 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.



619. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 619 of the Fourth Amended Complaint, and respectfully refer to the referenced statement for its complete and accurate content.

620. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 620 of the Fourth Amended Complaint.

621. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 621 of the Fourth Amended Complaint.

622. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 622 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

623. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 623 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

624. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 624 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

625. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 625 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

626. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 626 of the Fourth Amended Complaint.

627. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 627 of the Fourth Amended Complaint.

628. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 628 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

629. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 629 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

630. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 630 of the Fourth Amended Complaint, and respectfully refer to the referenced document and report for their complete and accurate content.

631. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 631 of the Fourth Amended Complaint, and respectfully refer to the referenced documents and report for their complete and accurate content.

632. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 632 of the Fourth Amended Complaint, and respectfully refer to the referenced document and report for their complete and accurate content.

633. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 633 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

634. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 634 of the Fourth Amended Complaint, and respectfully refer to the referenced document for their complete and accurate content.

635. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 635 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

636. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 636 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

637. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 637 of the Fourth Amended Complaint.

638. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 638 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

639. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 639 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

640. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 640 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

641. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 641 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

642. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 642 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

643. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 643 of the Fourth Amended Complaint, and respectfully refer to the referenced report and statement for their complete and accurate content.

644. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 644 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

645. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 645 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

646. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 646 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

647. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 647 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

648. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 648 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

649. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 649 of the Fourth Amended Complaint.

650. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 650 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

651. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 651 of the Fourth Amended Complaint, and respectfully refer to the referenced report and documents for their complete and accurate content.

652. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 652 of the Fourth Amended Complaint.

653. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 653 of the Fourth Amended Complaint.

654. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 654 of the Fourth Amended Complaint.

655. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 655 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

656. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 656 of the Fourth Amended Complaint.

657. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 657 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

658. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 658 of the Fourth Amended Complaint, and respectfully refer to the referenced documents and report for their complete and accurate content.

659. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 659 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

660. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 660 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

661. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 661 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

662. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 662 of the Fourth Amended Complaint.

663. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 663 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

664. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 664 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

665. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 665 of the Fourth Amended Complaint, and respectfully refer to the referenced documents and report for their complete and accurate content.

666. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 666 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

667. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 667 of the Fourth Amended Complaint.

668. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 668 of the Fourth Amended Complaint, and respectfully refer to the referenced documents and report for their complete and accurate content.

669. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 669 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

670. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 670 of the Fourth Amended Complaint.

671. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 671 of the Fourth Amended Complaint

672. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 672 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

673. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 673 of the Fourth Amended Complaint, and respectfully refer to the referenced report and document for their complete and accurate content.

674. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 674 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content

675. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 675 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

676. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 676 of the Fourth Amended Complaint, and respectfully refer to the referenced report and document for their complete and accurate content.

677. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 677 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

678. Deny the allegations in paragraph 678 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 678 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

679. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 679 of the Fourth Amended Complaint, and respectfully refer to the referenced report and document for their complete and accurate content.

680. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 680 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

681. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 681 of the Fourth Amended Complaint.

682. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 682 of the Fourth Amended Complaint, and respectfully refer to the referenced report and document for their complete and accurate content.



683. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 683 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

684. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 684 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

685. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 685 of the Fourth Amended Complaint, and respectfully refer to the referenced document for its complete and accurate content.

686. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 686 of the Fourth Amended Complaint, and respectfully refer to the referenced documents for their complete and accurate content.

687. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 687 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

688. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 688 of the Fourth Amended Complaint.

689. Deny the allegations in paragraph 689 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 689 of the Fourth Amended Complaint.

690. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 690 of the Fourth Amended Complaint.

691. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 691 of the Fourth Amended Complaint.

692. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 692 of the Fourth Amended Complaint.

693. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 693 of the Fourth Amended Complaint.

694. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 694 of the Fourth Amended Complaint.

695. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 695 of the Fourth Amended Complaint.

696. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 696 of the Fourth Amended Complaint.

697. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 697 of the Fourth Amended Complaint.

698. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 698 of the Fourth Amended Complaint.

699. Deny the allegations in paragraph 699 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 699 of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

700. Deny the allegations in paragraph 700 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 700 of the Fourth Amended Complaint.

701. Deny the allegations in paragraph 701 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 701 of the Fourth Amended Complaint.

702. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 702 of the Fourth Amended Complaint.

703. Deny the allegations in paragraph 703 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 703 of the Fourth Amended Complaint.

#### **COUNT 1**

704. For their response to paragraph 704 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 703 of the Fourth Amended Complaint.

705. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 705 of the Fourth Amended Complaint.

706. State that no response is required to paragraph 706 of the Fourth Amended Complaint.

707. State that the allegations in paragraph 707 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 707 of the Fourth Amended Complaint.

708. State that the allegations in paragraph 708 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 708 of the Fourth Amended Complaint.

709. State that the allegations in paragraph 709 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 709 of the Fourth Amended Complaint.

710. State that the allegations in paragraph 710 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 710 of the Fourth Amended Complaint.

711. State that the allegations in paragraph 711 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 711 of the Fourth Amended Complaint.

712. State that the allegations in paragraph 712 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 712 of the Fourth Amended Complaint.

713. State that the allegations in paragraph 713 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 713 of the Fourth Amended Complaint.

714. State that the allegations in paragraph 714 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 714 of the Fourth Amended Complaint.

## **COUNT 2**

715. For their response to paragraph 715 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 714 of the Fourth Amended Complaint.

716. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 716 of the Fourth Amended Complaint.

717. State that no response is required to paragraph 717 of the Fourth Amended Complaint.

718. State that the allegations in paragraph 718 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 718 of the Fourth Amended Complaint.

719. State that the allegations in paragraph 719 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 719 of the Fourth Amended Complaint.

720. State that the allegations in paragraph 720 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 720 of the Fourth Amended Complaint.

721. State that the allegations in paragraph 721 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 721 of the Fourth Amended Complaint.

722. State that the allegations in paragraph 722 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 722 of the Fourth Amended Complaint.

723. State that the allegations in paragraph 723 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 723 of the Fourth Amended Complaint.

724. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 724 of the Fourth Amended Complaint.

725. State that the allegations in paragraph 725 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 725 of the Fourth Amended Complaint.

726. State that the allegations in paragraph 726 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 726 of the Fourth Amended Complaint.

### **COUNT 3**

727. For their response to paragraph 727 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 726 of the Fourth Amended Complaint.

728. State that the allegations in paragraph 728 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 728 of the Fourth Amended Complaint.

729. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 729 of the Fourth Amended Complaint.

730. State that no response is required to paragraph 730 of the Fourth Amended Complaint.

731. State that the allegations in paragraph 731 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 731 of the Fourth Amended Complaint.

732. State that the allegations in paragraph 732 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 732 of the Fourth Amended Complaint.

733. State that the allegations in paragraph 733 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 733 of the Fourth Amended Complaint.

734. State that the allegations in paragraph 734 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 734 of the Fourth Amended Complaint.

735. State that the allegations in paragraph 735 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 735 of the Fourth Amended Complaint.

736. State that the allegations in paragraph 736 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 736 of the Fourth Amended Complaint.

737. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 737 of the Fourth Amended Complaint.



738. State that the allegations in paragraph 738 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 738 of the Fourth Amended Complaint.

#### **COUNT 4**

739. For their response to paragraph 739 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 738 of the Fourth Amended Complaint.

740. State that the allegations in paragraph 740 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 740 of the Fourth Amended Complaint.

#### **COUNT 5**

741. For their response to paragraph 741 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 740 of the Fourth Amended Complaint.

742. State that the allegations in paragraph 742 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 742 of the Fourth Amended Complaint.

#### **COUNT 6**

743. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

744. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

745. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

746. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

746A. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

747. Not used.

748. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

749. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

750. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

751. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

752. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

753. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

754. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 7**

755. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

756. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

757. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

757A. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

757B. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

758. Not used.

759. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

760. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

761. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

762. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

763. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

764. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

765. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

766. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 8**

767. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

768. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

769. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

770. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

770A. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

770B. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

771. Not used.

772. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And



The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

773. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

774. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

775. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

776. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

777. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

778. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 9**

779. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

780. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

781. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

782. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

783. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

784. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

785. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

786. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

787. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

788. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

789. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

790. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 10**

791. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

792. As per the Order, dated September 29, 2005, Authorizing And Approving (A) the Execution, As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

793. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

794. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

795. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

796. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

797. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

798. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

799. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

800. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

801. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

802. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

803. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 11**

804. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

805. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

806. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

807. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.



808. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

809. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

810. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

811. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

812. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

813. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

814. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

815. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

816. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 12**

817. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

818. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

819. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

820. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

820A. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

821. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

822. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

822A. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

823. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

824. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

825. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

826. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

827. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

828. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

829. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

830. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

831. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

832. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

833. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 13**

834. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

835. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

836. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

837. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

838. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

839. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

840. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

841. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.



842. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

843. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

844. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 14**

845. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

846. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

847. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

848. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

849. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

850. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

851. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

852. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

853. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

854. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 14A**

855A. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855B. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855C. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855D. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855E. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855F. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 14B**

855G. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855H. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855I. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855J. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 14C**

855K. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855L. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855M. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855N. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

855O. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 15**

856. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

857. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

858. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

859. Not used.

860. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

861. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

862. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

863. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And



The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

864. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

865. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 16**

866. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

867. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

868. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

869. Not used.

870. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

871. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

872. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

873. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

874. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

875. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

876. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 17**

877. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And

The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

878. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

879. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

880. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

881. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

882. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

883. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

884. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

885. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

886. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

887. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 18**

888. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

889. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 19**

890. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection,

And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

891. As per the Order, dated December 15, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The JPMC Entities And The Mahonia Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The JPMC Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 20**

892. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

893. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

894. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

895. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

896. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

897. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

898. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

899. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The



Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

900. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

901. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

902. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

903. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 21**

904. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

905. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

906. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

907. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

908. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

909. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

910. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

911. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

912. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

913. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

914. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

915. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

## **COUNT 22**

916. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

917. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

918. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

919. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

920. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

921. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

922. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

923. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

924. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

925. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 22A**

926. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926A. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926B. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926C. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926D. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926E. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926F. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926G. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926H. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926I. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The



Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926J. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

926K. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 23**

927. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

928. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

929. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

930. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

931. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 24**

932. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

933. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

934. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

935. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 25**

936. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

937. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The

Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

938. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

939. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 25A**

940A. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940B. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940C. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940D. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940E. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940F. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The

Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940G. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940H. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940I. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940J. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940K. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940L. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940M. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

940N. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

941. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The

Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

942. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

943. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

943A. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

944. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.



945. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

946. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

947. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

948. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

949. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The

Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

950. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951A. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951B. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951C. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951D. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951E. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951F. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951G. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megacclaim Litigation, The Megacclaim Objection, And The

Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951H. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

951I. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

952. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

953. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Barclays Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Barclays Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 30**<sup>2</sup>

954. For their response to paragraph 954 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 953 of the Fourth Amended Complaint.

955. Deny the allegations in paragraph 955 of the Fourth Amended Complaint.

956. Deny the allegations in paragraph 956 of the Fourth Amended Complaint.

957. Deny the allegations in paragraph 957 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 957 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction document for its complete and accurate content.

958. Deny the allegations in paragraph 958 of the Fourth Amended Complaint.

959. Deny the allegations in paragraph 959 of the Fourth Amended Complaint.

960. Deny the allegations in the first and third sentences of paragraph 960 of the Fourth Amended Complaint. Admit the allegations in the second sentence of paragraph 960 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction document for its complete and accurate content.

961. Deny the allegations in paragraph 961 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction document for its complete and accurate content.

962. Deny the allegations in the first sentence of paragraph 962 of the Fourth Amended Complaint. Admit the allegations in the second sentence of paragraph 962 of the Fourth

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<sup>2</sup> As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, Count 30 has been dismissed in its entirety; provided however, that the allegations in paragraphs 954 through and including 970 shall remain in the Fourth Amended Complaint in their entirety, as if recited in Section IV.A.4.d.

Amended Complaint, and respectfully refer to the referenced transaction documents for their complete and accurate content.

963. Admit on information and belief the allegations in the first sentence of paragraph 963 of the Fourth Amended Complaint. Deny the allegations in the second sentence of paragraph 463 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction document for its complete and accurate content.

964. Admit the allegations in paragraph 964 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction document for its complete and accurate content.

965. Admit the allegations in the first sentence of paragraph 965 of the Fourth Amended Complaint. Deny the allegations in the second and third sentences of paragraph 965, and respectfully refer to the referenced transaction document for its complete and accurate content.

966. Admit the allegations in paragraph 966 of the Fourth Amended Complaint.

967. Admit the allegations in paragraph 967 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction documents for their complete and accurate content.

968. Deny the allegations in paragraph 968 of the Fourth Amended Complaint.

969. Admit the allegations in the first and third sentences of paragraph 969 of the Fourth Amended Complaint. Deny the allegations in the second sentence of paragraph 969 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction documents for their complete and accurate content.

970. Deny the allegations in paragraph 970 of the Fourth Amended Complaint, and respectfully refer to the referenced transaction document for its complete and accurate content.

971. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

972. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

973. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

974. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

975. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

976. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

977. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

978. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this allegation has been withdrawn and this count is dismissed with prejudice.

**COUNT 31**

979. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this count is dismissed with prejudice.

980. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated October 3, 2006, this count is dismissed with prejudice.

**COUNT 32**

981. For their response to paragraph 981 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 980 of the Fourth Amended Complaint.

982. State that the allegations in paragraph 982 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 982 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

983. State that no response is required to paragraph 983 of the Fourth Amended Complaint.

984. State that the allegations in paragraph 984 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 984 of



the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

985. State that the allegations in paragraph 985 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 985 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

986. State that the allegations in paragraph 986 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 986 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

987. State that the allegations in paragraph 987 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 987 of the Fourth Amended Complaint.

988. State that the allegations in paragraph 988 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 988 of the Fourth Amended Complaint.

989. State that the allegations in paragraph 989 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 989 of the Fourth Amended Complaint.

**COUNT 33**

990. For their response to paragraph 990 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 989 of the Fourth Amended Complaint.

991. State that the allegations in paragraph 991 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 991 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

992. State that no response is required to paragraph 992 of the Fourth Amended Complaint.

993. State that no response is required to paragraph 993 of the Fourth Amended Complaint.

994. State that the allegations in paragraph 994 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 994 of the Fourth Amended Complaint.

995. State that the allegations in paragraph 995 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 995 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

996. State that the allegations in paragraph 996 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 996 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

997. State that the allegations in paragraph 997 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 997 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P.

30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

998. State that the allegations in paragraph 998 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 998 of the Fourth Amended Complaint.

999. State that the allegations in paragraph 999 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 999 of the Fourth Amended Complaint.

**COUNT 34**

1000. For their response to paragraph 1000 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 999 of the Fourth Amended Complaint.

1001. State that the allegations in paragraph 1001 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1001 of the Fourth Amended Complaint.

1002. State that the allegations in paragraph 1002 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1002 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

1003. State that no response is required to paragraph 1003 of the Fourth Amended Complaint.

1004. State that no response is required to paragraph 1004 of the Fourth Amended Complaint.

1005. State that the allegations in paragraph 1005 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1005 of the Fourth Amended Complaint.

1006. State that the allegations in paragraph 1006 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1006 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

1007. State that the allegations in paragraph 1007 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1007 of the Fourth Amended Complaint, and refer to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

1008. State that the allegations in paragraph 1008 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1008 of the Fourth Amended Complaint.

1009. State that the allegations in paragraph 999 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 999 of the Fourth Amended Complaint.

**COUNT 35**

1010. For their response to paragraph 1010 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1009 of the Fourth Amended Complaint.

1011. State that the allegations in paragraph 1011 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1011 of the Fourth Amended Complaint.

**COUNT 36**

1012. For their response to paragraph 1012 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1011 of the Fourth Amended Complaint.

1013. State that the allegations in paragraph 1013 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1013 of the Fourth Amended Complaint.

**COUNT 37**

1014. Not used.

1015. Not used.

1016. Not used.

1017. Not used.

1018. Not used.

1019. Not used.

1020. Not used.

1021. Not used.

1022. Not used.

1023. Not used.

**COUNT 38**

1024. Not used.

1025. Not used.

1026. Not used.

1027. Not used.

1028. Not used.

1029. Not used.

1030. Not used.

1031. Not used.

1032. Not used.

1033. Not used.

1034. Not used.

**COUNT 39**

1035. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim

Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1036. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1037. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1038. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1038A. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.



1039. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1040. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1041. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1042. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1043. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The

Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1044. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1045. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1046. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1047. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1048. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1049. As per the Order, dated November 29, 2005, Authorizing And Approving (A) The Performance Of Settlement Agreement With The CIBC Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The CIBC Claims, The ASCC Litigation And The Transferee Suit As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 42**

1050. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1051. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1052. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1053. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1054. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1055. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1056. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1057. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1058. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 43**

1059. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1060. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 44**

1061. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1062. As per the Order, dated December 21, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The Merrill Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The Merrill Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 45**

1063. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1064. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1065. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1066. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1067. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1068. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1069. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB

Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1070. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1071. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1072. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1073. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.



**COUNT 46**

1074. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1075. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1076. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1077. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1078. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1079. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1080. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1081. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1082. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1083. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1084. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1085. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 47**

1086. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1087. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1088. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1089. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1090. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1091. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1092. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1093. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1094. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1095. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1096. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB

Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 47A**

1097A. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097B. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097C. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097D. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097E. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097F. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097G. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097H. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB

Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097I. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097J. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097K. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 47B**

1097L. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.



1097M. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097N. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097O. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1097P. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 48**

1098. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities

Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1099. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 49**

1100. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1101. As per the Order dated October 26, 2006 Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The CSFB Entities Parties With Respect To The Megaclaim Litigation, The Megaclaim Objection, And The CSFB Claims, As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 50**

1102. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD

Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1103. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1104. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1105. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1106. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1107. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1108. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1109. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1110. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1111. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD

Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1112. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 51**

1113. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1114. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1115. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1116. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1117. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1118. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1119. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1120. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD

Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1121. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1122. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1123. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1124. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 52**

1125. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1126. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1127. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1128. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1129. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With



Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1130. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1131. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1132. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1133. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1134. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1135. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1136. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 53**

1137. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1138. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With

Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 54**

1139. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1140. As per the Order, dated February 28, 2006, Authorizing And Approving (A) The Execution, Delivery, And Performance Of Settlement Agreement With The TD Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, The TD Claims, The TD Litigation, And The TD Assignee Litigation As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 55**

1141. Not used.

1142. Not used.

1143. Not used.

1144. Not used.

1145. Not used.

1146. Not used.

1147. Not used.

1148. Not used.

1149. Not used.

1150. Not used.

1151. Not used.

**COUNT 56**

1152. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1153. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1154. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1155. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set

Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1156. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1157. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1158. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1159. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1160. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1161. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1162. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1163. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

#### **COUNT 57**

1164. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With

Respect To Megaclaim Litigation, The Megaclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1165. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1166. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1167. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1168. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megaclaim Litigation, The Megaclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1169. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1170. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1171. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1172. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1173. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set



Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1174. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1175. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1176. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 58**

1177. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1178. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 59**

1179. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

1180. As per the Order, dated August 9, 2005, Authorizing And Approving (A) The Execution, Delivery And Performance Of Settlement Agreement With The RBS Parties With Respect To Megacclaim Litigation, The Megacclaim Objection, And The Trading Claim As Set Forth Therein, And (B) The Consummation Of The Transactions Contemplated Thereby, this count has been dismissed.

**COUNT 60**

1181. Not used.

1182. Not used.

1183. Not used.

1184. Not used.

1185. Not used.

1186. Not used.

1187. Not used.

1188. Not used.

1189. Not used.

1190. Not used.

1191. Not used.

**COUNT 61**

1192. Not used.

1193. Not used.

1194. Not used.

1195. Not used.

1196. Not used.

1197. Not used.

1198. Not used.

1199. Not used.

1200. Not used.

1201. Not used.

1202. Not used.

1203. Not used.

1204. Not used.

**COUNT 62**

1205. Not used.

1206. Not used.

1207. Not used.

1208. Not used.

1209. Not used.

1210. Not used.

1211. Not used.

1212. Not used.

1213. Not used.

1214. Not used.

1215. Not used.

**COUNT 63**

1216. Not used.

1217. Not used.

**COUNT 64**

1218. Not used.

1219. Not used.

**COUNT 65**

1220. For their response to paragraph 1220 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1219 the Fourth Amended Complaint.

1221. As this count is not alleged against the DB Entities, no response is required.

1221A. As this count is not alleged against the DB Entities, no response is required.

1222. As this count is not alleged against the DB Entities, no response is required.

1223. As this count is not alleged against the DB Entities, no response is required.

1224. As this count is not alleged against the DB Entities, no response is required.

1225. As this count is not alleged against the DB Entities, no response is required.

1226. As this count is not alleged against the DB Entities, no response is required.

1227. As this count is not alleged against the DB Entities, no response is required.

**COUNT 66**

1228. For their response to paragraph 1228 the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1227 the Fourth Amended Complaint.

1229. As this count is not alleged against the DB Entities, no response is required.

1230. As this count is not alleged against the DB Entities, no response is required.

1230A. As this count is not alleged against the DB Entities, no response is required.

1230B(a)-(e). As this count is not alleged against the DB Entities, no response is required.

1231. As this count is not alleged against the DB Entities, no response is required.

1232. As this count is not alleged against the DB Entities, no response is required.

1233. As this count is not alleged against the DB Entities, no response is required.

1234. As this count is not alleged against the DB Entities, no response is required..

**COUNT 67**

1235. For their response to paragraph 1235 the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1234 the Fourth Amended Complaint.

1236. As this count is not alleged against the DB Entities, no response is required.

1236A. As this count is not alleged against the DB Entities, no response is required.

**COUNT 68**

1237. For their response to paragraph 1237 the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1236A the Fourth Amended Complaint.

1238. As this count is not alleged against the DB Entities, no response is required.

**COUNT 69**

1239. For their response to paragraph 1239 the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1238 the Fourth Amended Complaint.

1240. State that the allegations in paragraph 1240 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1240 of the Fourth Amended Complaint.

1241. Deny the allegations in paragraph 1241 to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1241 of the Fourth Amended Complaint.

1242. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1242 of the Fourth Amended Complaint.

1243. State that the allegations in paragraph 1243 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1243 to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1243 of the Fourth Amended Complaint.

1244. State that the allegations in paragraph 1244 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1244 to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1244 of the Fourth Amended Complaint.

1245. State that the allegations in paragraph 1245 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1245 to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1245 of the Fourth Amended Complaint.

**COUNT 70**

1246. For their response to paragraph 1246 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1245 of the Fourth Amended Complaint.

1247. State that the allegations in paragraph 1247 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1247 of the Fourth Amended Complaint.

1248. State that the allegations in paragraph 1248 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1248 of the Fourth Amended Complaint.

1249. Deny the allegations in paragraph 1249 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1249 of the Fourth Amended Complaint.

1250. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1250 of the Fourth Amended Complaint.

1251. State that the allegations in paragraph 1251 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1251 of the Fourth Amended Complaint.

1252. State that the allegations in paragraph 1252 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1252 of the Fourth Amended Complaint.

1253. State that the allegations in paragraph 1253 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1253 to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1253 of the Fourth Amended Complaint.

#### **COUNT 71**

1254. For their response to paragraph 1254 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1253 of the Fourth Amended Complaint.



1255. State that the allegations in paragraph 1255 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1255 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1255 of the Fourth Amended Complaint.

**COUNT 72**

1256. For their response to paragraph 1256 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1255 of the Fourth Amended Complaint.

1257. State that the allegations in paragraph 1257 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1257 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1257 of the Fourth Amended Complaint.

**COUNT 73**

1258. For their response to paragraph 1258 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1257 of the Fourth Amended Complaint.

1259. State that no response is required to paragraph 1259 of the Fourth Amended Complaint.

1260. State that no response is required to paragraph 1260 of the Fourth Amended Complaint.

1261. State that the allegations in paragraph 1261 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1261 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1261 of the Fourth Amended Complaint.

1262. State that the allegations in paragraph 1262 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1262 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1262 of the Fourth Amended Complaint.

1263. State that the allegations in paragraph 1263 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1263 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1263 of the Fourth Amended Complaint.

1264. State that the allegations in paragraph 1264 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1264 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1264 of the Fourth Amended Complaint.

1264A. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1264A of the Fourth Amended Complaint.

1264B. State that the allegations in paragraph 1264B contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1264B of the Fourth Amended Complaint.

1264C. State that the allegations in paragraph 1264C contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1264C of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1264C of the Fourth Amended Complaint.

1265. State that the allegations in paragraph 1265 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1265 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1265 of the Fourth Amended Complaint.

1266. State that the allegations in paragraph 1266 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266 of the Fourth Amended Complaint.

1266A. State that the allegations in paragraph 1266A contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266A of the Fourth Amended Complaint to the extent they are asserted against the DB Entities,

and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266A of the Fourth Amended Complaint.

**COUNT 73A**

1266B. For their response to paragraph 1266B of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1266B of the Fourth Amended Complaint.

1266C. State that no response is required to paragraph 1266C of the Fourth Amended Complaint.

1266D. In response to the allegations in the first sentence of paragraph 1266D of the Fourth Amended Complaint, admit that, after the Petition Date, certain of the DB Entities received transfers of claims against Enron or its affiliates that were held as of the Petition Date by certain of the other Defendants. State that no response is required to the second and third sentences of paragraph 1266D of the Fourth Amended Complaint.

1266E. State that no response is required to paragraph 1266E of the Fourth Amended Complaint.

1266F. State that the allegations in paragraph 1266F of the Amended contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266F of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266F of the Fourth Amended Complaint.

1266G. State that the allegations in paragraph 1266G contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266G of the Fourth Amended Complaint to the extent they are asserted against the DB Entities,

and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266G of the Fourth Amended Complaint.

1266H. State that the allegations in paragraph 1266H contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266H of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266H of the Fourth Amended Complaint.

1266I. State that the allegations in paragraph 1266I contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266I of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266I of the Fourth Amended Complaint.

### **COUNT 73B**

1266J. For their response to paragraph 1266J of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1266I of the Fourth Amended Complaint.

1266K. State that the allegations in paragraph 1266K contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266K of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266K of the Fourth Amended Complaint.

1266L. State that the allegations in paragraph 1266L contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph

1266L of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266L of the Fourth Amended Complaint.

1266M. State that the allegations in paragraph 1266M contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266M of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266M of the Fourth Amended Complaint.

1266N. State that the allegations in paragraph 1266N contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1266N of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1266N of the Fourth Amended Complaint.

#### **COUNT 74**

1267. For their response to paragraph 1267 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1266N of the Fourth Amended Complaint.

1268. State that the allegations in paragraph 1268 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1268 of the Fourth Amended Complaint.

1269. State that the allegations in paragraph 1269 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information

sufficient to form a belief as to the truth of the allegations in paragraph 1269 of the Fourth Amended Complaint.

1270. State that the allegations in paragraph 1270 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1270 of the Fourth Amended Complaint.

1271. State that the allegations in paragraph 1271 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1271 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1271 of the Fourth Amended Complaint.

1272. State that the allegations in paragraph 1272 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1272 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1272 of the Fourth Amended Complaint.

1273. State that the allegations in paragraph 1273 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1273 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1273 of the Fourth Amended Complaint.

1274. State that the allegations in paragraph 1274 contain legal conclusions not requiring a response. If a response is required, DB Entities deny the allegations in paragraph

1274 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1274 of the Fourth Amended Complaint.

**COUNT 75**

1275. For their response to paragraph 1275 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1274 of the Fourth Amended Complaint.

1276. State that the allegations in paragraph 1276 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1276 of the Fourth Amended Complaint.

1277. State that the allegations in paragraph 1277 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1277 of the Fourth Amended Complaint.

1278. State that the allegations in paragraph 1278 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1278 of the Fourth Amended Complaint.

1279. State that the allegations in paragraph 1279 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1279 of the Fourth Amended Complaint.



1280. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1280 of the Fourth Amended Complaint.

1281. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1281 of the Fourth Amended Complaint.

1282. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1282 of the Fourth Amended Complaint.

1283. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1283 of the Fourth Amended Complaint.

1284. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1284 of the Fourth Amended Complaint.

1285. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1285 of the Fourth Amended Complaint.

1286. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1286 of the Fourth Amended Complaint.

1287. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1287 of the Fourth Amended Complaint.

1288. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1288 of the Fourth Amended Complaint.

1289. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1289 of the Fourth Amended Complaint.

1290. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1290 of the Fourth Amended Complaint.

1291. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1291 of the Fourth Amended Complaint.

1292. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1292 of the Fourth Amended Complaint.

1293. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1293 of the Fourth Amended Complaint.

1294. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1294 of the Fourth Amended Complaint.

1295. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1295 of the Fourth Amended Complaint.

1296. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1296 of the Fourth Amended Complaint.

1297. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1297 of the Fourth Amended Complaint.

1298. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1298 of the Fourth Amended Complaint.

1299. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1299 of the Fourth Amended Complaint.

1300. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1300 of the Fourth Amended Complaint.

1301. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1301 of the Fourth Amended Complaint.

1302. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1302 of the Fourth Amended Complaint.

1303. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1303 of the Fourth Amended Complaint.

1304. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1304 of the Fourth Amended Complaint.

1305. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1305 of the Fourth Amended Complaint.

1306. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1306 of the Fourth Amended Complaint.

1307. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1307 of the Fourth Amended Complaint.

1308. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1308 of the Fourth Amended Complaint.

1309. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1309 of the Fourth Amended Complaint.

1310. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1310 of the Fourth Amended Complaint.

1311. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1311 of the Fourth Amended Complaint.

1312. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1312 of the Fourth Amended Complaint.

1313. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1313 of the Fourth Amended Complaint.

1314. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1314 of the Fourth Amended Complaint.

1315. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1315 of the Fourth Amended Complaint.

1316. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1316 of the Fourth Amended Complaint.

1317. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1317 of the Fourth Amended Complaint.

1318. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1318 of the Fourth Amended Complaint.

1319. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1319 of the Fourth Amended Complaint.

1320. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1320 of the Fourth Amended Complaint.

1321. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1321 of the Fourth Amended Complaint.

1322. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1322 of the Fourth Amended Complaint.

1323. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1323 of the Fourth Amended Complaint.

1324. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1324 of the Fourth Amended Complaint.

1325. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1325 of the Fourth Amended Complaint.

1326. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1326 of the Fourth Amended Complaint.

1327. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1327 of the Fourth Amended Complaint.

1328. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1328 of the Fourth Amended Complaint.

1329. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1329 of the Fourth Amended Complaint.

1330. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1330 of the Fourth Amended Complaint.

1331. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1331 of the Fourth Amended Complaint.

1332. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1332 of the Fourth Amended Complaint.

1333. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1333 of the Fourth Amended Complaint.

1334. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1334 of the Fourth Amended Complaint.

1335. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1335 of the Fourth Amended Complaint.

1336. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1336 of the Fourth Amended Complaint.

1337. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1337 of the Fourth Amended Complaint.

1338. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1338 of the Fourth Amended Complaint.

1339. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1339 of the Fourth Amended Complaint.

1340. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1340 of the Fourth Amended Complaint.

1341. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1341 of the Fourth Amended Complaint.

1342. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1342 of the Fourth Amended Complaint.

1343. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1343 of the Fourth Amended Complaint.

1344. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1344 of the Fourth Amended Complaint.

1345. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1345 of the Fourth Amended Complaint.

1346. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1346 of the Fourth Amended Complaint.

1347. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1347 of the Fourth Amended Complaint.

1348. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1348 of the Fourth Amended Complaint.

1349. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1349 of the Fourth Amended Complaint.

1350. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1350 of the Fourth Amended Complaint.

1351. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1351 of the Fourth Amended Complaint.

1352. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1352 of the Fourth Amended Complaint.

1353. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1353 of the Fourth Amended Complaint.

1354. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1354 of the Fourth Amended Complaint.

1355. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1355 of the Fourth Amended Complaint.

1356. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1356 of the Fourth Amended Complaint.

1357. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1357 of the Fourth Amended Complaint.

1358. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1358 of the Fourth Amended Complaint.

1359. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1359 of the Fourth Amended Complaint.

1360. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1360 of the Fourth Amended Complaint.

1361. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1361 of the Fourth Amended Complaint.

1362. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1362 of the Fourth Amended Complaint.

1363. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1363 of the Fourth Amended Complaint.

1364. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1364 of the Fourth Amended Complaint.

1365. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1365 of the Fourth Amended Complaint.

1366. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1366 of the Fourth Amended Complaint.

1367. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1367 of the Fourth Amended Complaint.



1368. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1368 of the Fourth Amended Complaint.

1369. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1369 of the Fourth Amended Complaint.

1370. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1370 of the Fourth Amended Complaint.

1371. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1371 of the Fourth Amended Complaint.

1372. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1372 of the Fourth Amended Complaint.

1373. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1373 of the Fourth Amended Complaint.

1374. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1374 of the Fourth Amended Complaint.

1375. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1375 of the Fourth Amended Complaint.

1376. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1376 of the Fourth Amended Complaint.

1377. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1377 of the Fourth Amended Complaint.

1378. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1378 of the Fourth Amended Complaint.

1379. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1379 of the Fourth Amended Complaint.

1380. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1380 of the Fourth Amended Complaint.

1381. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1381 of the Fourth Amended Complaint.

1382. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1382 of the Fourth Amended Complaint.

1383. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1383 of the Fourth Amended Complaint.

1384. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1384 of the Fourth Amended Complaint.

1385. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1385 of the Fourth Amended Complaint.

1386. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1386 of the Fourth Amended Complaint.

1387. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1387 of the Fourth Amended Complaint.

1388. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1388 of the Fourth Amended Complaint.

1389. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1389 of the Fourth Amended Complaint.

1390. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1390 of the Fourth Amended Complaint.

1391. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1391 of the Fourth Amended Complaint.

1392. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1392 of the Fourth Amended Complaint.

1393. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1393 of the Fourth Amended Complaint.

1394. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1394 of the Fourth Amended Complaint.

1395. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1395 of the Fourth Amended Complaint.

1396. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1396 of the Fourth Amended Complaint.

1397. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1397 of the Fourth Amended Complaint.

1398. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1398 of the Fourth Amended Complaint.

1399. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1399 of the Fourth Amended Complaint.

1400. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1400 of the Fourth Amended Complaint.

1401. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1401 of the Fourth Amended Complaint.

1402. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1402 of the Fourth Amended Complaint.

1403. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1403 of the Fourth Amended Complaint.

1404. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1404 of the Fourth Amended Complaint.

1405. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1405 of the Fourth Amended Complaint.

1406. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1406 of the Fourth Amended Complaint.

1407. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1407 of the Fourth Amended Complaint.

1408. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1408 of the Fourth Amended Complaint.

1409. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1409 of the Fourth Amended Complaint.

1410. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1410 of the Fourth Amended Complaint.

1411. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1411 of the Fourth Amended Complaint.

1412. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1412 of the Fourth Amended Complaint.

1413. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1413 of the Fourth Amended Complaint.

1414. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1414 of the Fourth Amended Complaint.

1415. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1415 of the Fourth Amended Complaint.

1416. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1416 of the Fourth Amended Complaint.

1417. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1417 of the Fourth Amended Complaint.

1418. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated December 20, 2005, the Court has dismissed with prejudice all causes of action asserted against the DB Entities in this proceeding arising out of the Tomas transaction. As such, the DB Entities state that no response is required to the allegations in paragraph 1418 of the Fourth Amended Complaint.

1419. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated December 20, 2005, the Court has dismissed with prejudice all causes of action asserted against the DB Entities in this proceeding arising out of the Tomas transaction. As such, the DB Entities state that no response is required to the allegations in paragraph 1419 of the Fourth Amended Complaint.

1420. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated December 20, 2005, the Court has dismissed with prejudice all causes of action asserted against the DB Entities in this proceeding arising out of the Tomas transaction. As such, the DB Entities state that no response is required to the allegations in paragraph 1420 of the Fourth Amended Complaint.

1421. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated December 20, 2005, the Court has dismissed with prejudice all causes of action asserted against the DB Entities in this proceeding arising out of the Tomas transaction. As such, the DB Entities state that no response is required to the allegations in paragraph 1421 of the Fourth Amended Complaint.

1422. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1422 of the Fourth Amended Complaint.

1423. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1423 of the Fourth Amended Complaint.

1424. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1424 of the Fourth Amended Complaint.

1425. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1425 of the Fourth Amended Complaint.

1426. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1426 of the Fourth Amended Complaint.

1427. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1427 of the Fourth Amended Complaint.

1428. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1428 of the Fourth Amended Complaint.

1429. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1429 of the Fourth Amended Complaint.

1430. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1430 of the Fourth Amended Complaint.

1431. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1431 of the Fourth Amended Complaint.

1432. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1432 of the Fourth Amended Complaint.

1433. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1433 of the Fourth Amended Complaint.

1434. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1434 of the Fourth Amended Complaint.

1435. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1435 of the Fourth Amended Complaint.

1436. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1436 of the Fourth Amended Complaint.

1437. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1437 of the Fourth Amended Complaint.

1438. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1438 of the Fourth Amended Complaint.

1439. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1439 of the Fourth Amended Complaint.

1440. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1440 of the Fourth Amended Complaint.

1441. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1441 of the Fourth Amended Complaint.

1442. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1442 of the Fourth Amended Complaint.

1443. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1443 of the Fourth Amended Complaint.

1444. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1444 of the Fourth Amended Complaint.

1445. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1445 of the Fourth Amended Complaint.

1446. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1446 of the Fourth Amended Complaint.

1447. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1447 of the Fourth Amended Complaint.

1448. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1448 of the Fourth Amended Complaint.

1449. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1449 of the Fourth Amended Complaint.



1450. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1450 of the Fourth Amended Complaint.

1451. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1451 of the Fourth Amended Complaint.

1452. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1452 of the Fourth Amended Complaint.

1453. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1453 of the Fourth Amended Complaint.

1454. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1454 of the Fourth Amended Complaint.

1455. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1455 of the Fourth Amended Complaint.

1456. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1456 of the Fourth Amended Complaint.

1457. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1457 of the Fourth Amended Complaint.

1458. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1458 of the Fourth Amended Complaint.

1459. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1459 of the Fourth Amended Complaint.

1460. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1460 of the Fourth Amended Complaint.

1461. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1461 of the Fourth Amended Complaint.

1462. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1462 of the Fourth Amended Complaint.

1463. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1463 of the Fourth Amended Complaint.

1464. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1464 of the Fourth Amended Complaint.

1465. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1465 of the Fourth Amended Complaint.

1466. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1466 of the Fourth Amended Complaint.

1467. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1467 of the Fourth Amended Complaint.

1468. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1468 of the Fourth Amended Complaint.

1469. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1469 of the Fourth Amended Complaint.

1470. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1470 of the Fourth Amended Complaint.

1471. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1471 of the Fourth Amended Complaint.

1472. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1472 of the Fourth Amended Complaint.

1473. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1473 of the Fourth Amended Complaint.

1474. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1474 of the Fourth Amended Complaint.

1475. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1475 of the Fourth Amended Complaint.

1476. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1476 of the Fourth Amended Complaint.

1477. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1477 of the Fourth Amended Complaint.

1478. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1478 of the Fourth Amended Complaint.

1479. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1479 of the Fourth Amended Complaint.

1480. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1480 of the Fourth Amended Complaint.

1481. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1481 of the Fourth Amended Complaint.

1482. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1482 of the Fourth Amended Complaint.

1483. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1483 of the Fourth Amended Complaint.

1484. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1484 of the Fourth Amended Complaint.

1485. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1485 of the Fourth Amended Complaint.

1486. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1486 of the Fourth Amended Complaint.

1487. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1487 of the Fourth Amended Complaint.

1488. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1488 of the Fourth Amended Complaint.

1489. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1489 of the Fourth Amended Complaint.

1490. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1490 of the Fourth Amended Complaint.

1491. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1491 of the Fourth Amended Complaint.

1492. Not used.

1493. Not used.

1494. Not used.

1495. Not used.

1496. Not used.

1497. Not used.

1498. Not used.

1499. Not used.

1500. Not used.

1501. Not used.

1502. Not used.

1503. Not used.

1504. Not used.

1505. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1505 of the Fourth Amended Complaint.

1506. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1506 of the Fourth Amended Complaint.

1507. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1507 of the Fourth Amended Complaint.

1508. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1508 of the Fourth Amended Complaint.

1509. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1509 of the Fourth Amended Complaint.

1510. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1510 of the Fourth Amended Complaint.

1511. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1511 of the Fourth Amended Complaint.

1512. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1512 of the Fourth Amended Complaint.

1513. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1513 of the Fourth Amended Complaint.

1514. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1514 of the Fourth Amended Complaint.

1515. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1515 of the Fourth Amended Complaint.

1516. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1516 of the Fourth Amended Complaint.

1517. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1517 of the Fourth Amended Complaint.

1518. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1518 of the Fourth Amended Complaint.

1519. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1519 of the Fourth Amended Complaint.

1520. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1520 of the Fourth Amended Complaint.

1521. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1521 of the Fourth Amended Complaint.

1522. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1522 of the Fourth Amended Complaint.

1523. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1523 of the Fourth Amended Complaint.

1524. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1524 of the Fourth Amended Complaint.

1525. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1525 of the Fourth Amended Complaint.

1526. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1526 of the Fourth Amended Complaint.

1527. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1527 of the Fourth Amended Complaint.

1527(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1527(a) of the Fourth Amended Complaint.

1527(b). Deny the allegations in paragraph 1527(b) of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1527(b) of the Fourth Amended Complaint.

1527(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1527(c) of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

1527(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1527(d) of the Fourth Amended Complaint, and respectfully refer to the referenced report for its complete and accurate content.

1528. State that the allegations in paragraph 1528 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1528 of the Fourth Amended Complaint.

1529. State that the allegations in paragraph 1529 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1529 of the Fourth Amended Complaint.

1530. State that the allegations in paragraph 1530 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1530 of the Fourth Amended Complaint.

1531. State that the allegations in paragraph 1531 contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1531 of the Fourth Amended Complaint.

1532. State that the allegations in paragraph 1532 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1532 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1532 of the Fourth Amended Complaint.

1533. State that the allegations in paragraph 1533 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph



1533 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1533 of the Fourth Amended Complaint.

1534. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1534 of the Fourth Amended Complaint.

1534(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1534(a) of the Fourth Amended Complaint.

1534(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1534(b) of the Fourth Amended Complaint.

1535. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1535 of the Fourth Amended Complaint.

1535(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1535(a) of the Fourth Amended Complaint.

1535(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1535(b) of the Fourth Amended Complaint.

1536. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1536 of the Fourth Amended Complaint.

1536(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1536(a) of the Fourth Amended Complaint.

1537. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1537 of the Fourth Amended Complaint.

1537(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1537(a) of the Fourth Amended Complaint.

1537(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1537(b) of the Fourth Amended Complaint.

1537(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1537(c) of the Fourth Amended Complaint.

1537(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1537(d) of the Fourth Amended Complaint.

1538. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1538 of the Fourth Amended Complaint.

1538(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1538(a) of the Fourth Amended Complaint.

1539. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1539 of the Fourth Amended Complaint.

1539(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1539(a) of the Fourth Amended Complaint.

1539(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1539(b) of the Fourth Amended Complaint.

1539(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1539(c) of the Fourth Amended Complaint.

1539(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1539(d) of the Fourth Amended Complaint.

1539(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1539(e) of the Fourth Amended Complaint.

1539(f). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1539(f) of the Fourth Amended Complaint.

1540. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1540 of the Fourth Amended Complaint.

1540(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1540(a) of the Fourth Amended Complaint.

1540(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1540(b) of the Fourth Amended Complaint.

1541. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1541 of the Fourth Amended Complaint.

1541(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1541(a) of the Fourth Amended Complaint.

1542. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542 of the Fourth Amended Complaint.

1542(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542(a) of the Fourth Amended Complaint.

1542(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542(b) of the Fourth Amended Complaint.

1542(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542(c) of the Fourth Amended Complaint.

1542(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542(d) of the Fourth Amended Complaint.

1542(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542(e) of the Fourth Amended Complaint.

1542(f). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542(f) of the Fourth Amended Complaint.

1542(g). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1542(g) of the Fourth Amended Complaint.

1543. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1543 of the Fourth Amended Complaint.

1543(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1543(a) of the Fourth Amended Complaint.

1543(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1543(b) of the Fourth Amended Complaint.

1544. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1544 of the Fourth Amended Complaint.

1544(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1544(a) of the Fourth Amended Complaint.

1545. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1545 of the Fourth Amended Complaint.

1545(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1545(a) of the Fourth Amended Complaint.

1545(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1545(b) of the Fourth Amended Complaint.

1546. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1546 of the Fourth Amended Complaint.

1546(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1546(a) of the Fourth Amended Complaint.

1546(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1546(b) of the Fourth Amended Complaint.

1546(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1546(c) of the Fourth Amended Complaint.

1546(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1546(d) of the Fourth Amended Complaint.

1546(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1546(e) of the Fourth Amended Complaint.

1547. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1547 of the Fourth Amended Complaint.

1547(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1547(a) of the Fourth Amended Complaint.

1547(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1547(b) of the Fourth Amended Complaint.

1547(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1547(c) of the Fourth Amended Complaint.

1547(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1547(d) of the Fourth Amended Complaint.

1547(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1547(e) of the Fourth Amended Complaint.

1548. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1548 of the Fourth Amended Complaint.

1548(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1548(a) of the Fourth Amended Complaint.

1548(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1548(b) of the Fourth Amended Complaint.

1548(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1548(c) of the Fourth Amended Complaint.

1549. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1549 of the Fourth Amended Complaint.

1549(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1549(a) of the Fourth Amended Complaint.

1549(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1549(b) of the Fourth Amended Complaint.

1549(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1549(c) of the Fourth Amended Complaint.

1549(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1549(d) of the Fourth Amended Complaint.

1549(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1549(e) of the Fourth Amended Complaint.

1549(f). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1549(f) of the Fourth Amended Complaint.

1550. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1550 of the Fourth Amended Complaint.

1550(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1550(a) of the Fourth Amended Complaint.

1550(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1550(b) of the Fourth Amended Complaint.

1550(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1550(c) of the Fourth Amended Complaint.

1550(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1550(d) of the Fourth Amended Complaint.

1551. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1551 of the Fourth Amended Complaint.

1551(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1551(a) of the Fourth Amended Complaint.

1551(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1551(b) of the Fourth Amended Complaint.

1551(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1551(c) of the Fourth Amended Complaint.

1551(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1551(d) of the Fourth Amended Complaint.

1551(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1551(e) of the Fourth Amended Complaint.

1552. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1552 of the Fourth Amended Complaint.

1552(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1552(a) of the Fourth Amended Complaint.

1552(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1552(b) of the Fourth Amended Complaint.

1552(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1552(c) of the Fourth Amended Complaint.

1552(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1552(d) of the Fourth Amended Complaint.

1552(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1552(e) of the Fourth Amended Complaint.

1552(f). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1552(f) of the Fourth Amended Complaint.

1553. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1553 of the Fourth Amended Complaint.

1553(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1553(a) of the Fourth Amended Complaint.

1553(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1553(b) of the Fourth Amended Complaint.



1554. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1554 of the Fourth Amended Complaint.

1554(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1554(a) of the Fourth Amended Complaint.

1554(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1554(b) of the Fourth Amended Complaint.

1554(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1554(c) of the Fourth Amended Complaint.

1555. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1555 of the Fourth Amended Complaint.

1555(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1555(a) of the Fourth Amended Complaint.

1555(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1555(b) of the Fourth Amended Complaint.

1556. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1556 of the Fourth Amended Complaint.

1556(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1556(a) of the Fourth Amended Complaint.

1556(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1556(b) of the Fourth Amended Complaint.

1557. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1557 of the Fourth Amended Complaint.

1557(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1557(a) of the Fourth Amended Complaint.

1557(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1557(b) of the Fourth Amended Complaint.

1557(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1557(c) of the Fourth Amended Complaint.

1558. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1558 of the Fourth Amended Complaint.

1558(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1558(a) of the Fourth Amended Complaint.

1558(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1558(b) of the Fourth Amended Complaint.

1559. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1559 of the Fourth Amended Complaint.

1559(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1559(a) of the Fourth Amended Complaint.

1559(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1559(b) of the Fourth Amended Complaint.

1559(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1559(c) of the Fourth Amended Complaint.

1560. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1560 of the Fourth Amended Complaint.

1560(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1560(a) of the Fourth Amended Complaint.

1560(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1560(b) of the Fourth Amended Complaint.

1560(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1560(c) of the Fourth Amended Complaint.

1561. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1561 of the Fourth Amended Complaint.

1561(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1561(a) of the Fourth Amended Complaint.

1561(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1561(b) of the Fourth Amended Complaint.

1561(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1561(c) of the Fourth Amended Complaint.

1561(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1561(d) of the Fourth Amended Complaint.

1561(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1561(e) of the Fourth Amended Complaint.

1561(f). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1561(f) of the Fourth Amended Complaint.

1562. State that the allegations in paragraph 1562 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph

1562 of the Fourth Amended Complaint, including subparts (a)-(h), and respectfully refer to the referenced documents for their complete and accurate content.

1563. State that the allegations in paragraph 1563 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1563 of the Fourth Amended Complaint, including subparts (a)-(d), and respectfully refer to the referenced documents for their complete and accurate content.

1564. State that the allegations in paragraph 1564 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1564 of the Fourth Amended Complaint, including subparts (a)-(h), and respectfully refer to the referenced documents for their complete and accurate content.

1565. As per the Stipulation and Order of Dismissal with Prejudice of Certain Claims Against BT/Deutsche Bank, dated December 20, 2005, the Court has dismissed with prejudice all causes of action asserted against the DB Entities in this proceeding arising out of the Tomas transaction. As such, the DB Entities state that no response is required to the allegations in paragraph 1565 of the Fourth Amended Complaint.

1566. State that the allegations in paragraph 1566 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1566 of the Fourth Amended Complaint, including subparts (a)-(c), and refer to the referenced documents for their complete and accurate content.

1567. State that the allegations in paragraph 1567 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1567 of the Fourth Amended Complaint, including subparts (a)-(c), and refer to the referenced documents for their complete and accurate content.

1568. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1568 of the Fourth Amended Complaint.

1568(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1568(a) of the Fourth Amended Complaint.

1569. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1569 of the Fourth Amended Complaint.

1569(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1569(a) of the Fourth Amended Complaint.

1570. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1570 of the Fourth Amended Complaint.

1570(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1570(a) of the Fourth Amended Complaint.

1570(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1570(b) of the Fourth Amended Complaint.

1570(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1570(c) of the Fourth Amended Complaint.

1570(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1570(d) of the Fourth Amended Complaint.

1570(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1570(e) of the Fourth Amended Complaint.

1571. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1571 of the Fourth Amended Complaint.

1571(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1571(a) of the Fourth Amended Complaint.

1572. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1572 of the Fourth Amended Complaint.

1572(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1572(a) of the Fourth Amended Complaint.

1573. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1573 of the Fourth Amended Complaint.

1573(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1573(a) of the Fourth Amended Complaint.

1574. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1574 of the Fourth Amended Complaint.

1574(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1574(a) of the Fourth Amended Complaint.

1575. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1575 of the Fourth Amended Complaint.

1575(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1575(a) of the Fourth Amended Complaint.

1576. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1576 of the Fourth Amended Complaint.

1576(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1576(a) of the Fourth Amended Complaint.

1577. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1577 of the Fourth Amended Complaint.

1577(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1577(a) of the Fourth Amended Complaint.

1577(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1577(b) of the Fourth Amended Complaint.

1577(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1577(c) of the Fourth Amended Complaint.

1577(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1577(d) of the Fourth Amended Complaint.

1578. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1578 of the Fourth Amended Complaint.

1578(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1578(a) of the Fourth Amended Complaint.

1579. Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579 of the Fourth Amended Complaint.

1579(a). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(a) of the Fourth Amended Complaint.

1579(b). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(b) of the Fourth Amended Complaint.

1579(c). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(c) of the Fourth Amended Complaint.

1579(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(d) of the Fourth Amended Complaint.

1579(e). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(e) of the Fourth Amended Complaint.

1579(f). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(f) of the Fourth Amended Complaint.

1579(g). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(g) of the Fourth Amended Complaint.

1579(h). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(h) of the Fourth Amended Complaint.

1579(i). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(i) of the Fourth Amended Complaint.

1579(j). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(j) of the Fourth Amended Complaint.

1579(k). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(k) of the Fourth Amended Complaint.

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1579(n). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1579(n) of the Fourth Amended Complaint.



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1594(d). Deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1594(d) of the Fourth Amended Complaint.

1595. State that the allegations in paragraph 1595 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1595 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1595 of the Fourth Amended Complaint.

1596. State that the allegations in paragraph 1596 contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1596 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1596 of the Fourth Amended Complaint.

**COUNT 76**

1597. For their response to paragraph 1597 of the Fourth Amended Complaint, the DB Entities repeat and reassert their responses to the allegations contained in paragraphs 1 through 1596 of the Fourth Amended Complaint.

1598. State that the allegations in paragraph 1598 of the Fourth Amended Complaint contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1598 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1598 of the Fourth Amended Complaint.

1599. State that the allegations in paragraph 1599 of the Fourth Amended Complaint contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1599 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1599 of the Fourth Amended Complaint.

1600. State that the allegations in paragraph 1600 of the Fourth Amended Complaint contain legal or other conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1600 of the Fourth Amended Complaint to the extent they are asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1600 of the Fourth Amended Complaint.

1601. State that the allegations in paragraph 1601 of the Fourth Amended Complaint contain legal conclusions not requiring a response. If a response is required, the DB Entities deny the allegations in paragraph 1601 of the Fourth Amended Complaint to the extent they are

asserted against the DB Entities, and otherwise deny knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1601 of the Fourth Amended Complaint.

**ADDITIONAL AND AFFIRMATIVE DEFENSES**

1602. Except as otherwise expressly stated above, the DB Entities deny each and every allegation contained in paragraphs 1 through 1601 of the Fourth Amended Complaint, including, without limitation, the footnotes, headings and subheadings contained in the Fourth Amended Complaint. The following Affirmative Defenses are raised by the DB Entities without waiver of any other defenses that may be available to the DB Entities, and the DB Entities specifically reserve the right to raise any affirmative defense available to it at any time during the pendency of these proceedings, including any and all defenses that may come to light through discovery or otherwise. By pleading the below defenses, the DB Entities do not concede, and shall not be construed to have conceded, that the DB Entities bear the burden of proof on any specific defense, or the elements thereof, or that Plaintiffs do not bear the burden of proof as to such matters, or that such matters are not elements of Plaintiffs' *prima facie* case against the DB Entities.

**GENERALLY APPLICABLE ADDITIONAL AND AFFIRMATIVE DEFENSES**

1603. The claims asserted in the Fourth Amended Complaint are barred, in whole or in part, by the applicable statute of limitations.

1604. Any injury allegedly sustained by Plaintiffs was not directly or proximately caused by any conduct, act or omission of the DB Entities or any entity related to or affiliated with the DB Entities or whose acts may be attributed to the DB Entities for any reason, including theories of vicarious and secondary liability.

1605. Plaintiffs' claims against the DB Entities are barred, in whole or in part, by superseding and intervening causes.

1606. Any injury or damage for which Plaintiffs seek recovery resulted wholly or in substantial part from Plaintiffs' own culpable conduct, for which the DB Entities may not be held liable, and accordingly, Plaintiffs are barred from any recovery against the DB Entities.

Alternatively, any recovery that might otherwise be had by Plaintiffs should be reduced and diminished to the extent that Plaintiffs' culpable conduct caused or contributed to any damages or injury that Plaintiffs may have sustained.

1607. Plaintiffs' claims are precluded in whole or in part by the doctrine of *in pari delicto*.

1608. Plaintiffs' claims are barred by the equitable doctrine of unclean hands.

1609. Any injury or damage for which Plaintiffs seek recovery resulted wholly or in substantial part from the misconduct of third parties, including but not limited to the current and/or former directors, officers and employees of Plaintiffs, for which the DB Entities may not be held liable.

1610. Plaintiffs' claims are barred in whole or in part by the comparative fault of Plaintiffs and of third parties, including but not limited to the current and/or former directors, officers and employees of Plaintiffs.

1611. Plaintiffs have failed to join indispensable and/or necessary parties.

1612. Plaintiffs' purported damages are nonexistent, speculative, not of the nature or to the extent alleged, and were not the foreseeable result of any of the alleged conduct of the DB Entities.

1613. Without prejudice to the generality of Paragraph 1612, to the extent Plaintiffs have suffered any damages, Plaintiffs have failed to exercise due care and/or mitigate their damages with respect those alleged.

1614. The DB Entities properly and reasonably relied upon Enron's representations that Arthur Andersen had approved the structure and accounting treatment of transactions that are the subject of the Fourth Amended Complaint.

1615. Pursuant to the transaction documents relating to certain of the transfers alleged in the Fourth Amended Complaint, Plaintiffs and/or their affiliates agreed to hold harmless and indemnify the DB Entities to the full extent of any losses, expenses, claims or proceedings related to or arising out of, among other things, any transaction or conduct in connection with such transfers. Accordingly, the DB Entities hereby invoke all of their contractual and common law indemnity rights, and hereby provide notice to Plaintiffs thereof.

1616. The DB Entities did not owe a duty to Plaintiffs other than those articulated in the transaction documents governing the relevant transactions giving rise to Plaintiffs' claims in the Fourth Amended Complaint. Alternatively, if any external duty is proven to have existed, the DB Entities acted in conformity with any such external duty and the conduct alleged by Plaintiffs in the Fourth Amended Complaint does not constitute a breach of any such duty.

1617. The DB Entities at all times acted in good faith, and did not know, and in the exercise of reasonable care could not have known, of the fraud, conspiracy and breaches of fiduciary duty alleged in the Fourth Amended Complaint. The DB Entities thus lacked scienter, and were therefore not culpable participants in the acts and wrongs alleged in the Fourth Amended Complaint.

1618. Plaintiffs' claims against the DB Entities are barred by the doctrines of laches, acquiescence, ratification, waiver and/or estoppel.

1619. The DB Entities were entitled to, and did, reasonably and in good faith rely upon the work and conclusion of Plaintiffs and Plaintiffs' agents and advisors, including their accountants, in structuring and arranging the transactions complained of in the Fourth Amended Complaint.

1620. The Enron Examiner's reports contain numerous factual mistakes, inaccuracies, inconsistencies, and conclusions based thereon, and cannot be a basis, in whole or in part, for proof of Plaintiffs' claims, or for any finding of liability on the part of, or any recovery from, the DB Entities.

1621. The DB Entities hereby adopt and incorporate by reference any and all other defenses asserted or to be asserted by any of the other defendants named in the Fourth Amended Complaint to the extent that the DB Entities may share in such defenses.

1622. The DB Entities hereby adopt and incorporate by reference the affirmative defenses set forth in the chart attached to the DB Entities' Fifth Amended Objections and Responses to Plaintiffs' First Requests for Admission and First Set of Interrogatories and Objections and Responses to Plaintiffs' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6), the March 28, 2006 letter and enclosed chart, and the November 21, 2006 letter incorporated therein.

**ADDITIONAL AND AFFIRMATIVE DEFENSES APPLICABLE TO  
SPECIFIC COUNTS PLEADED AGAINST DB ENTITIES**

**BANKRUPTCY RELATED CLAIMS**

1623. The DB Entities are not liable for Count 32 of the Fourth Amended Complaint because that count alleges transfers that are not “transfers of an interest of the debtor in property” within the meaning of Section 547(b) of the Bankruptcy Code.

1624. The DB Entities are not liable for Count 32 of the Fourth Amended Complaint because that count alleges transfers that are not “for or on account of an antecedent debt” owed by debtors within the meaning of Section 547(b) of the Bankruptcy Code.

1625. The DB Entities are not liable for Count 32 of the Fourth Amended Complaint because that count alleges transfers that were made in the ordinary course of business of Plaintiffs and the DB Entities, and were made according to ordinary business terms, in accordance with Section 547(c)(2) of the Bankruptcy Code.

1626. The DB Entities are not liable for Count 32 of the Fourth Amended Complaint because that count alleges transfers, upon the receipt of which, the DB Entities provided subsequent new value to Plaintiffs, in accordance with Section 547(c)(4) of the Bankruptcy Code.

1627. The DB Entities are not liable for Counts 33 and 69 of the Fourth Amended Complaint because that count alleges transfers that are not transfers of an interest of the debtors in property, or obligations incurred by debtors within the meaning of Section 548(a) of the Bankruptcy Code.

1628. The DB Entities are not liable for Counts 33 and 69 of the Fourth Amended Complaint because the DB Entities acted in good faith within the meaning of Section 548(c) of the Bankruptcy Code.

1629. The DB Entities are not liable for Counts 33 and 34 of the Fourth Amended Complaint because those counts allege transfers for which Plaintiffs received reasonably equivalent value or fair consideration.

1630. The DB Entities are not liable for Counts 34 and 70 of the Fourth Amended Complaint because that count alleges transfers that are not transfers of property of Plaintiffs, or obligations incurred by Plaintiffs within the meaning of Section 544 of the Bankruptcy Code and applicable non-bankruptcy law.

1631. The DB Entities are not liable for Count 34 of the Fourth Amended Complaint because that count alleges transfers for which the DB Entities acted as mere conduits.

1632. The DB Entities are not liable for Counts 35, 36, 71 and 72 of the Fourth Amended Complaint because section 550(d) of the Bankruptcy Code entitles Plaintiffs only to a single satisfaction, if any, under Bankruptcy Code section 550(a).

1633. The DB Entities are not liable for Counts 35 and 71 of the Fourth Amended Complaint because that count alleges transfers that the DB Entities took for value, in good faith, and without knowledge of their voidability.

1634. The DB Entities are not liable for Counts 36 and 72 of the Fourth Amended Complaint for disallowance of any claim of the DB Entities under section 502(d) of the Bankruptcy Code on the ground that Plaintiffs are not entitled to recover from the DB Entities any property or other sums under sections 550, 544, 547, 548 or 549 of the Bankruptcy Code.

1635. The DB Entities are not liable for Count 69 of the Fourth Amended Complaint for the avoidance of intentional fraudulent transfers under Section 548(a)(1)(A) of the Bankruptcy Code on the grounds that this count seeks relief for alleged transfers to the DB Entities where Plaintiffs did not act with actual intent to hinder, delay or defraud any entity within the meaning



of Section 548(a)(1)(A) of the Bankruptcy Code, and for which Plaintiffs received reasonably equivalent value or fair consideration.

1636. The DB Entities are not liable for Count 70 of the Fourth Amended Complaint for the avoidance of intentional fraudulent transfers and conveyances under Section 544 of the Bankruptcy Code and applicable state law on the grounds that this count seeks relief for alleged transfers to the DB Entities where Plaintiffs did not act with actual intent to hinder, delay or defraud any entity within the meaning of any applicable law, and for which Plaintiffs received reasonably equivalent value or fair consideration.

#### **EQUITABLE SUBORDINATION CLAIMS**

1637. The DB Entities are not liable for Count 73 of the Fourth Amended Complaint for equitable subordination of their claims against Subordination Plaintiff on the grounds that (i) the DB Entities have not engaged in any inequitable conduct that would justify equitable subordination of their claims; (ii) the DB Entities have not enjoyed any unfair advantage as a result of their alleged conduct; and (iii) none of Subordination Plaintiff's other creditors have suffered injury as a result of any conduct of the DB Entities.

1638. Subordination Plaintiff lacks standing to assert a claim for equitable subordination.

1639. The DB Entities owed no fiduciary duties to Enron.

1640. Subordination Plaintiff's claim for equitable subordination is barred by the doctrine of *in pari delicto*.

1641. Subordination Plaintiff's claim for equitable subordination is also barred by the doctrine of unclean hands.

**AIDING AND ABETTING BREACH OF FIDUCIARY DUTY**

1642. Plaintiffs' claim for aiding and abetting breach of fiduciary duty must fail because none of the DB Entities owed any fiduciary duties to Enron.

1643. Plaintiffs' claim for aiding and abetting breach of fiduciary duty is barred by the doctrine of *in pari delicto*.

1644. Plaintiffs' claim for aiding and abetting breach of fiduciary duty must also fail because Plaintiffs lack standing to assert it.

1645. Any injury allegedly sustained by any of the Plaintiffs as a result of the alleged breaches of fiduciary duty was not directly or proximately caused by any conduct or act of any of the DB Entities.

**AIDING AND ABETTING FRAUD**

1646. Plaintiffs' claim for aiding and abetting fraud is also barred by the doctrine of *in pari delicto*.

1647. Plaintiffs' claim for aiding and abetting fraud must also fail because Plaintiffs lack standing to assert it.

1648. Any injury allegedly sustained by any of the Plaintiffs as a result of the alleged fraud was not directly or proximately caused by any conduct or act of the DB Entities.

**CIVIL CONSPIRACY**

1649. Plaintiffs' claim for civil conspiracy is also barred by the doctrine of *in pari delicto*.

1650. Plaintiffs' claim for civil conspiracy must also fail because Plaintiffs lack standing to assert it.

1651. Any injury allegedly sustained by Plaintiffs pursuant to the alleged conspiracy was not directly or proximately caused by any conduct, act or omission of the DB Entities.

1652. Any damage Plaintiffs suffered as a result of the alleged conspiracy resulted wholly or in substantial part from the misconduct of third parties, including but not limited to the current and/or former directors, officers and employees of Plaintiffs and its officers, directors and employees, for which the DB Entities may not be held liable.

**JURY DEMAND**

The DB Entities hereby demand a trial by jury for all claims as to which they are entitled to such.

Dated: March 9, 2007

Respectfully submitted,

**LINKLATERS**

By: /s/ Lance Croffoot-Suede  
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Lance Croffoot-Suede (LC-3725)  
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 Joseph Schmit (JS-1243)  
 Titia A. Holtz (TH-4379)

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

	x	
	:	
In re:	:	Chapter 11
	:	Case No. 01-16034 (AJG)
ENRON CREDITORS RECOVERY CORP., <i>et al.</i> ,	:	
	:	Jointly Administered
Debtors.	:	
	x	
	:	
	:	
ENRON CREDITORS RECOVERY CORP., <i>et al.</i> ,	:	Adversary Proceeding
	:	No. 03-09266 (AJG)
Plaintiffs,	:	
	:	
v.	:	
	:	
CITIGROUP INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	x	

**THE DEUTSCHE BANK ENTITIES' JOINDER IN  
 CITIGROUP'S MOTION FOR A DETERMINATION THAT TEXAS  
 LAW ON LOSS ALLOCATION GOVERNS ENRON'S COMMON LAW CLAIMS**

Defendants Deutsche Bank AG, Deutsche Bank Trust Company Americas,  
 Deutsche Bank Securities Inc., Deutsche Bank Luxembourg, S.A., Deutsche Bank Trust  
 Company Delaware, Deutsche Bank Trust Corporation, Bankers Trust International plc, BT

Commercial Corp., DB Green, Inc., Deutsche Leasing New York Corp., Seneca Delaware, Inc., Deutsche Bank S.A., DB Ever, Inc. (f/k/a BT Ever, Inc.), and Seneca Leasing Partners, L.P. (collectively, the "Deutsche Bank Entities"), respectfully submit this Joinder in Citigroup's Motion for a Determination that Texas Law on Loss Allocation Governs Enron's Common Law Claims (the "Citigroup Motion") (Docket No. 631).<sup>1</sup>

As presented in Citigroup's memorandum of law in support of its motion, a New York choice of law analysis (the appropriate analysis here) as applied to Citigroup,<sup>2</sup> a New York domiciliary, leads to the conclusion that Texas law governs the loss allocation issues attendant to Enron's common law causes of action of aiding and abetting breach of fiduciary duty (Count 74), aiding and abetting fraud (Count 75), and unlawful civil conspiracy (Count 76).<sup>3</sup> These same common law causes of action also have been alleged against the Deutsche Bank Entities. A New York choice of law analysis yields the same result -- that Texas law governs loss allocation -- when applied specifically to each of the Deutsche Bank Entities.

Of the fourteen Deutsche Bank Entities named as defendants in this proceeding, Deutsche Bank AG, Deutsche Bank Trust Company Americas, Deutsche Bank Securities Inc., Deutsche Bank Trust Corporation, BT Commercial Corp., DB Green, Inc., Deutsche Leasing New York Corp., DB Ever, Inc., Seneca Delaware, Inc., and Seneca Leasing Partners, L.P. each

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<sup>1</sup> In the interest of avoiding the submission of duplicative briefing, the Deutsche Bank Entities adopt the briefing submitted by Citigroup on its motion (Docket No. 632), and expressly reserve all rights identified therein, including with respect to the Deutsche Bank Entities' right to (i) seek a separate determination as to the appropriate law for all other issues in this proceeding; and (ii) a jury trial and other rights under 28 U.S.C. § 157.

<sup>2</sup> "Citigroup" includes certain of Citigroup's affiliates and related entities as defined in the Citigroup Motion.

<sup>3</sup> See Reorganized Debtors' Fourth Amended Complaint for the Avoidance and Return of Preferential Payments and Fraudulent Transfers, Equitable Subordination, and Damages, Together with Objections and Counterclaims to Creditor Defendants' Claims, dated January 10, 2005 ("Fourth Am. Compl.").

have their principal place of business in New York, and are thus New York domiciliaries.<sup>4</sup> See Fourth Am. Compl. at ¶¶ 43-45, 48, 51-53, 56; Citigroup Motion at 8. As such, the analysis applicable to these ten Deutsche Bank Entities is no different than that discussed in the Citigroup Motion, and Texas law controls loss allocation on Enron's common law causes of action as against these particular entities. See generally Citigroup Motion.

While the remaining four Deutsche Bank Entities are not domiciliaries of New York,<sup>5</sup> the applicable New York choice of law analysis again results in Texas law governing loss allocation for Enron's common law claims as against these particular entities.

As discussed in the Citigroup Motion, where there is a conflict of law that concerns a loss-allocation rule, New York follows the principles set forth in Neumeier v. Kuehner, 31 N.Y.2d 121 (N.Y. 1972).<sup>6</sup> Id. at 7-8. Where the case involves an instance of split domicile, under either the second or third prong of Neumeier, the place of injury is dispositive.

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<sup>4</sup> For purposes of this proceeding, and as alleged by Enron, Deutsche Bank AG's principal place of business in the United States is New York. Fourth Am. Compl. at ¶ 43. Enron may now argue that for purposes of choice of law, Deutsche Bank AG's principal place of business is Frankfurt, Germany, and thus, Deutsche Bank AG is actually a domiciliary of Germany as opposed to New York. See id. As discussed infra, such argument does not change the determination that Texas law on loss allocation governs the common law claims in this proceeding.

<sup>5</sup> Of the four remaining Deutsche Bank Entities, (i) Deutsche Bank Luxembourg S.A. is a domiciliary of Luxembourg; (ii) Deutsche Bank Trust Company Delaware is a domiciliary of the State of Delaware; (iii) Bankers Trust International plc is a domiciliary of England; and (iv) Deutsche Bank S.A. is a domiciliary of Argentina. Fourth Am. Compl. at ¶¶ 46-47, 50, 55.

<sup>6</sup> "Where there is no actual conflict between the potentially applicable bodies of law, the court may dispense with the choice of law analysis and apply the law of the forum." Wasserstein Perella Emerging Markets Finance, L.P. v. The Province of Formosa, 2002 WL 1453831, \*11 (S.D.N.Y. July 2, 2002) (citing Curley v. AMR Corp., 153 F.3d 5, 12 (2d Cir. 1998)). Here, however, as to these four Deutsche Bank Entities, New York is not one of the potentially applicable bodies of law. Thus, if there were no conflict between Texas law and the law of the interested jurisdictions (here, Luxembourg, England, Argentina, and the State of Delaware), the Deutsche Bank Entities would respectfully submit that the Court apply Texas law. As such, the Deutsche Bank Entities do not set forth an analysis of the loss allocation laws of the interested jurisdictions and whether they are the same as that found under Texas law.

Id. at 7-8, 12-15. Here, the place of injury is Texas, Enron's principal place of business.<sup>7</sup> Id. at 12-13.

As such, because none of the four remaining Deutsche Bank Entities is a domiciliary of Texas, and because Texas law does not favor Enron, the third prong of the Neumeier test would also apply to the four remaining Deutsche Bank Entities (as it does to those that are New York domiciliaries) if a conflict of law were to be found. See id. at 12-15. Accordingly, under the third prong of the Neumeier test, which ultimately looks to the place of injury, Texas law governs loss allocation with respect to Enron's common law claims against the four remaining Deutsche Bank Entities. See id.

Based on the foregoing, a New York choice of law analysis, as to each and every Deutsche Bank Entity, dictates that Texas loss allocation law controls Enron's aiding and abetting, and conspiracy, claims.

Moreover, the Deutsche Bank Entities echo Citigroup's assertion that a determination of this particular choice of law issue is critical to the parties' ability to prepare for trial. In a case where Enron alleges damages to the corporation and its creditors totaling \$18 billion on the common law claims (1.6% of which Enron's damages expert has allocated to the Deutsche Bank Entities), a ruling on the governing loss allocation law is indispensable in determining how the parties proceed in anticipation of an April 2008 trial. Although the parties agreed in a So-Ordered Stipulation dated October 3, 2005 (Docket No. 390) that the decision should be made no later than 90 days prior to trial, the Deutsche Bank Entities would respectfully suggest that the substantial effort necessary to properly prepare for trial on the issue of loss allocation argues for an earlier determination of this issue.

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<sup>7</sup> The undisputed fact remains that Enron is a domiciliary of Texas. See Citigroup Motion at 8.

Accordingly, the Deutsche Bank Entities now join in the Citigroup Motion, filed in the above-captioned adversary proceeding on November 16, 2007, and respectfully request that this Court rule that Texas law governs loss allocation for Enron's common law claims.

Dated: November 21, 2007  
New York, New York

Respectfully submitted,

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